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HISTORY
OF THE
COUNTIES, CITIES,
AND
BOROUGHES.

PART II. — VOL. III.

THE HISTORY OF

THE BOROUGH OF

WIMBORNE

HISTORY

OF THE

OF THE

COUNTIES, CITIES,

AND

BOROUGHS.

BY

PART II - VOL. III.

THE
REPRESENTATIVE HISTORY
OF
G R E A T B R I T A I N
AND
IRELAND:

BEING A HISTORY OF
THE HOUSE OF COMMONS,
AND OF THE
COUNTIES, CITIES, AND BOROUGHES,
OF
THE UNITED KINGDOM,
FROM THE EARLIEST PERIOD.

BY T. H. B. OLDFIELD.

"Without a parliamentary reform, the nation will be plunged into new wars: without a parliamentary reform, you cannot be safe against bad ministers; nor can good ministers be of use to you. No honest man can, according to the present system, continue minister."—*Pitt's Speech, 1782.*

"If an Englishman," said the great Frederick of Prussia, "has no knowledge of those kings that filled the throne of Persia, if his memory is not embarrassed with that infinite number of popes that ruled the church, we are ready to excuse him: but we shall hardly get the same indulgence for him, if he is a stranger to the origin of parliaments, to the customs of his country, and to the different lines of kings who have reigned in England."—*Kett's Elements of General Knowledge, Vol. II., Page 3.*

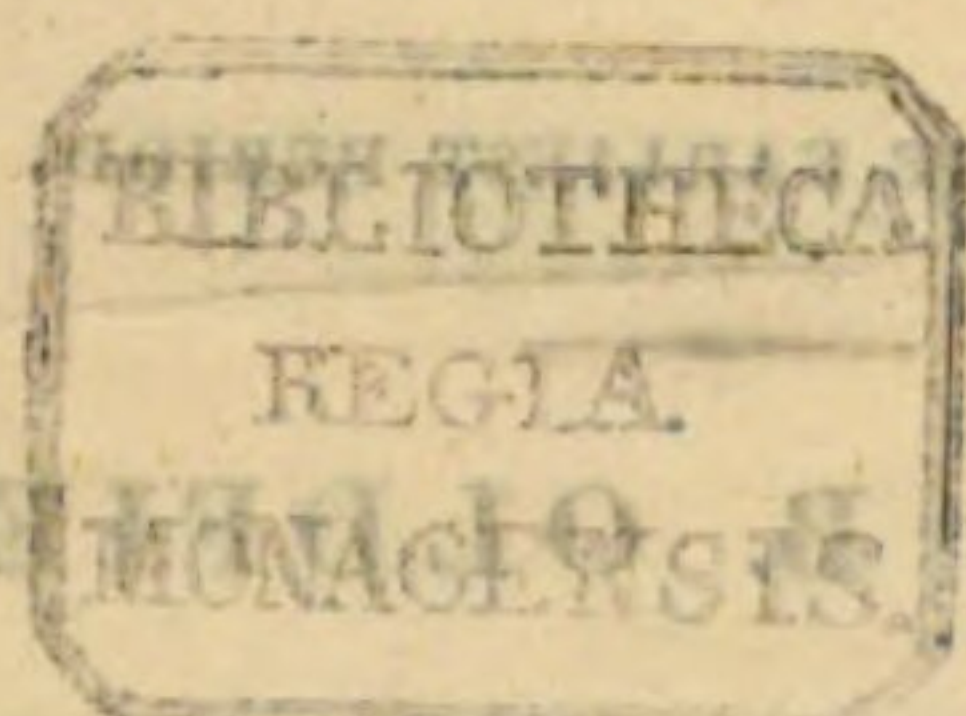
IN SIX VOLUMES—VOL. V.

London:
PRINTED FOR BALDWIN, CRADOCK, AND JOY,
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1816.

THE
 REPRESENTATIVE HISTORY
 OF
 GREAT BRITAIN
 AND
 IRELAND:

BEING A HISTORY OF
 THE HOUSE OF COMMONS,
 AND OF THE
 COUNTIES, CITIES, AND BOROUGH,
 OF
 THE UNITED KINGDOM.



"Without a parliamentary reform, the nation will be plunged into anarchy; without a parliamentary reform, you cannot do any amount of good; without a good minister he is no good. No minister can do anything in the present system, continue minister."—*Parliamentary Reform*, 1792.

"It is an Englishman," said the great historian of France, "who has no knowledge of those things that fill the throne of France; it is necessary to be acquainted with the infinite number of papers that filled the church, we are ready to excuse him; but we shall hardly get the same intelligence for him; it is a struggle to the origin of parliament, to the system of the country, and to the different lines of ships who have reigned in England."—*Notes & Remarks of General Anquetot*, Vol. II, page 2.

IN SIX VOLUMES—VOL. V.

London:

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LONDON:—NOW.

1816.

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The whole county contains 319 parishes, 25,273 houses, and 159,311 inhabitants, viz. 78,797 males, and 80,514 females.

HISTORY

OF THE COUNTIES, CITIES,

AND

BOROUGHES,

IN GREAT BRITAIN AND IRELAND.

SUSSEX.

SUSSEX is a maritime county of England, bounded on the north by Surrey and Kent, on the south by the British channel, and on the west by Hampshire. Its extreme length from east to west is 70 miles, and from north to south about 28, containing an area of 1,461 square statute miles, equal to 935,040 square acres, having 345,000 in pasturage, and 280,000 arable; it is divided into six rapes, or divisions, in nearly equal parts from north to south, viz. Arundel, Bramber, Chichester, Hastings, Lewes, and Pevensey; and is subdivided into numerous small hundreds, containing one city, Chichester, 12 boroughs, viz. Arundel, Bramber, Horsham, East Grinstead, Lewes, Midhurst, Shoreham, and Steyning, and four of the Cinque ports, Hastings, Rye, Seaford, and Winchelsea. The other market-towns are Brighton, Cuckfield, Hailsham, and Petworth.

The whole county contains 342 parishes, 25,272 houses, and 159,311 inhabitants, viz. 78,797 males, and 80,514 females, of whom 19,608 were employed in trade and manufacture, and 38,923 in agriculture. The amount of money raised for the maintenance of the poor in 1803, was 206,591*l.* at the rate of 8*s.* 7½*d.* in the pound, and the amount of the assessment under the act granting a tax on property in 1806, was 1,436,513*l.* The average scale of mortality taken for 10 years, from the registered burials, appears to have been as one to 42 of the existing population. Its principal rivers are the Arun, Adur, Ouse, Rother, Rye, and Cockmere. It is included in the Home Circuit, the province of Canterbury, and diocese of Chichester, and sends 28 members to Parliament.

REPRESENTATIVE HISTORY.

This county was formerly joined with Surrey in the sheriffship. It has returned knights of the shire from the 23d of Edward the First.

PETITIONS, &c. Nov. 30, 1695. A petition of Robert Orme, esq., complaining of an undue return of Sir John Pelham and Sir William Thomas, by reason of several unlawful practices done by Francis Wyat, esq., high-sheriff of this county.

No report.

Nov. 2, 1705. A petition of Sir Henry Peachy complaining of an undue return of Sir George Parker, by partiality in the sheriff.

No report.

POLITICAL CHARACTER.

This county was considered formerly as entirely under the influence of aristocracy; but the contrary to this was evinced in 1774. The independent part of the county, being at that time much dissatisfied with the conduct of administration, in attempting to procure a return for a candidate of their own nomination contrary to the wishes of the people, exerted themselves in such a manner as convinced them that their unanimity and abilities, when called forth into action, would, when similar encroachments were made upon their rights, be equally certain, as well as deserving, of similar success.

They entered into voluntary subscriptions for the support of their cause, and proposed Sir Thos. Spencer Wilson, bart., in opposition to Sir James Peachy, the court candidate. The contest was carried on with unabating diligence and vigour on both sides, for a continuation of twenty-eight days; when a great majority was declared in favour of Sir Thomas Spencer Wilson, in whose person the honest and independent yeomen of the county obtained an entire and complete victory over the mandates of ministerial despotism. There is, however, much aristocratical influence prevailing here, arising from the residences and estates of the Duke of Richmond, and Duke of Dorset, the Earl of Ashburnham, the Earl of Egremont, and the Earl of Chichester. There has been no contested election for this county since 1774.

From that period to 1802, this county was represented by a younger branch of the family of the Duke of Richmond, and by the present Earl of Chichester, till he succeeded to the peerage.

In 1802, John Fuller, esq., was returned to supply the place of the Earl of Chichester, but encountered a powerful opposition from the late Michael Sergison in 1807, when the numbers on the poll were nearly equal. Charles Lenox, esq., now Duke of Richmond, and Mr. John Fuller, were returned, but Mr. Sergison claimed his seat in a petition to Parliament, accusing the sheriff of gross partiality in admitting a number of bad votes for Mr. Fuller, and refusing several freeholders who tendered their votes for the petitioner.

This petition was appointed to be heard at a period too early to admit of an exchange of lists of votes objected to on each side as the law directs. A motion was made in the House of Commons to enlarge the time for hearing the petition, in order to enable the parties to comply with this necessary form, which being negatived, Mr. Sergison was under the necessity of abandoning his petition!

Mr. Fuller had disclaimed all intention of making any defence against the charges in the above petition, and thereby admitted Mr. Sergison's claim to the seat for which he contended, but two freeholders of Sussex petitioned to be admitted as parties to oppose the same, which being granted, and the time for exchanging lists of objectionable voters not being allowed: Mr. Sergison lost by this manœuvre the seat to which he deemed him-

self intitled, and Mr. Fuller was allowed to retain that to which he had disclaimed all right and pretensions!

Upon the present Duke of Richmond succeeding to that title, the Hon. C. P. Windham was returned in his room, and at the last general election in 1812, Sir Godfrey Webster and Walter Burrell, esq., were chosen in the room of the Hon. Mr. Windham and Mr. Fuller.

The noblemen residing in this county are the Duke of Norfolk, Lord Lieutenant, Duke of Richmond, Duke of Dorset, Earl of Ashburnham, Earl of Chichester, Earl of Egremont, Lord George Cavendish, Lord Viscount Gage, and Lord Selsey. The Duke of Richmond and Earl of Egremont are considered as nominating the members.

CHICHESTER.

CHICHESTER is a city and county of itself, in the hundreds of Box and Stockbridge, rape of Chichester, Sussex, and 62 miles from London; it contains nine parishes, 821 houses, and 4,744 inhabitants; being 2,091 males, and 2,653 females, of whom 681 were returned as being employed in trade and manufacture, chiefly that of malt and needles. The fairs are on St. George's day, Whit-Monday, St. James's day, and Michaelmas day.

REPRESENTATIVE HISTORY.

This city returned members to Parliament from the 23d of Edward the First. The citizens, 38th

of Henry the Fourth, were returned by the mayor and bailiffs.

PETITIONS, &c. May 3, 1660. Double return. Mr. Turner reported the opinion of a committee, That William Cawley, esq., was returned by the proper officer, and ought to sit till the merits of the case upon the double return be determined.

May 21. Reported, That upon examination of the fact the question appeared to be, whether the free citizens alone, or the commonalty at large, ought to elect; and that thereupon the committee were of opinion, that the commonalty of the said borough, together with the free citizens, have the right of election; and that John Farrington, gent., is accordingly duly elected, and ought to sit; to which the House agreed.

He also reported from the said committee, that the mayor of this city had several ancient precedents offered unto him, to shew the commonalty's right to elect for this city; and that the recorder of the said city offered him his advice therein; nevertheless, the mayor refused to own the precedents, or harken to the said advice.

Ordered, "That the mayor be forthwith committed to the custody of the sergeant at arms attending this House."

The mayor was afterwards called to the bar of the House, and kneeling there, Mr. Speaker reprimanded him for wilful contempt, having refused to admit the voices of the commonalty to make election; it appearing that for 21 several Parliaments they, as well as the citizens, had votes for

electing members to serve in Parliament, and that though his offence deserved a more severe punishment, yet there being a disposition in the House to extend mercy, they have contented themselves with this restraint; and therefore he stood committed for his contempt to the sergeant at arms.

Jan. 7, 1673. A petition of Thomas Garraway, gent., complaining of an undue return of Mr. May, the recorder of this city, by Mr. Baker the mayor.

Feb. 21. Sir Thomas Meres reported the state of the evidence on both sides in this matter.

That Mr. May is well elected: to which the House agreed.

March 24, 1689. A petition of Richard Farrington, esq., complaining of an undue return of Sir Thomas Miller, and Thomas May, esq., by bribery, &c.

A petition of John Braman, gent., to the same effect, and by combination of John Cowsley, esq., the then mayor.

Oct. 16, 1690. Mr. Farrington and Mr. Braman renewed their petitions.

Oct. 31, 1691. Mr. Braman renewed his petition.

Nov. 4, —. Mr. Farrington also renewed his petition.

No reports.

Nov. 30, 1695. A petition of John Braman, complaining of an undue return of William Elson, esq., by bribery and other illegal means.

No report.

Nov. 26, 1708. A petition of several freeholders and inhabitants citizens of this city, in behalf of

themselves and others, complaining of an undue return of Sir Richard Farrington by bribery and menaces, and other illegal practices.

A petition of Sir Thomas Littleton, bart., to the same effect, and complaining of partiality in management of the poll, and scrutiny by Mr. Vavasor the mayor, &c.

No report.

Dec. 5, 1710. A petition of Thomas Car, and John Elson, esqrs., and other freeholders inhabitants, and honorary freemen of this city, who have right of voting for members to represent the said city in Parliament was read, shewing that the petitioners, Car and Elson, being invited to be candidates for the said city in Parliament thereof to the mayor, who makes the return, but he, contrary to the act of parliament, proceeded to election sooner than by law he should have done; whereby the petitioners, and others were, by their remote distance, deprived of giving their votes; and the mayor of his own accord, upon polling four or five persons only (although there are as many hundreds who have a right to vote) returned two members of his own setting up, in prejudice of the petitioners.

Dec. 21, 1711. The same petition was again read.

March 13, 1712. Mr. Freeman reported, that it was insisted the election was void for want of notice.

The election was on Tuesday the 3d of October, 1710, and the notice on the Friday before.

Resolved, " That a legal notice was given of the

time of the late election of members to serve in Parliament for this city."

"That Sir Richard Farrington, bart., and Sir John Miller, are duly elected."

March 5, 1713. A petition of Sir Richard Farrington, and Sir John Miller, barts., complaining of an undue return of James Brudenell, and Wm. Elson, esqrs., by bribery, threats, &c.

No report.

March 26, 1715. A petition of William Elson, esq., against Sir Richard Farrington, bart., for bribery, &c.

A petition of James Brudenell, esq., complaining of an undue return of Thomas Miller, esq., by bribery, and other illegal practices, and partiality of the mayor.

May 16th. Mr. Elson withdrew his petition.

May 18th. Mr. Brudenell also withdrew his petition.

In 1782, Bryan Edwards, esq., petitioned against the election of the Hon. Percy Windham. The consideration of this petition was fixed for April 23, but it having been proposed to withdraw the petition, the consideration was deferred till the 25th, and a new order was made for taking the petition into consideration on the 29th. Leave was given on the 26th that the petition should be withdrawn, the sitting member having signified his consent.

Peckwell,
v. i. Introd.
xxxiv.

38 Journ.
p. 329 and
932.

CORPORATION,

By charter of King James the Second, consists of a mayor, recorder, bailiff, and thirty-eight com-

mon-councilmen, out of which the mayor is chosen, who is ever after reputed an alderman.

RIGHT OF ELECTION.

In the Inhabitant Householders paying scot and lot.

NUMBER OF VOTERS—620.

RETURNING OFFICER—the Mayor.

PATRONS—Duke of Richmond and Earl of Egremont.

POLITICAL CHARACTER.

This city was many years under the dictation of the Duke of Richmond, whose political interference was submitted to with much reluctance by the electors. Upon the death of General Keppel, in 1782, an attempt was made to oppose the Duke's nomination of the Hon. Percy Windham, brother to the Earl of Egremont, but without success. Mr. Bryan Edwards, who was the candidate in opposition to Mr. Windham, however, lost his election, by being in a minority of only eight votes. At the ensuing general election of 1784, the independent electors triumphed in the choice of Geo. White Thomas, esq., and, at the dissolution of Parliament in 1790, they became powerful enough to carry both the members. Mr. Steele, the representative of the Duke of Richmond's interest, attempted to divide the phalanx of uninfluenced electors, by canvassing upon *his own interest*, without the appearance of aristocratical support; but this was found to be too insignificant, even to countenance the manœuvre. The friends of Mr.

Thomas, who were become a decisive majority of the inhabitants, for the sake of preserving the peace and harmony of the city, and to avoid those ruinous expenses which generally attend a contest with influence and power, made a voluntary offer of admitting the Duke of Richmond to recommend one of the members, if he would engage to leave the other to their own choice. This offer was accepted by his Grace: and Mr. Steele published a letter, disclaiming all pretensions to the honour he aspired at, upon the foundation of his own merits, and modestly acknowledged his gratitude to those of a superior source.

Mr. Thomas continued to represent this city in conjunction with a nominee of the Duke of Richmond till the general election in 1812, when the Earl of Egremont sent Mr. Huskinson here, and this nomination was as implicitly obeyed as that of the Duke of Richmond. This city is now considered as under the patronage of these two noblemen.

LEWES.

LEWES is a borough and market-town, consisting of six parishes, in the hundred of Swanborough, rape of Lewes, Sussex, on the right bank of the river Ouse, eight miles from Brighton, and $48\frac{1}{2}$ from London; containing 684 houses, and 4,422 inhabitants, viz. 2,031 males, and 2,391 females, of whom 1,594 were represented as employed in various trades, and 488 in agriculture. The river is navigable for barges, from the harbour of New

Haven, which is six miles lower down. The market is on Saturday. Fairs, 6th May, Whittuesday, and 6th October.

REPRESENTATIVE HISTORY.

This borough was of the King's demesne, and hath returned burgesses to Parliament from the 23d of Edward the First.

PETITIONS, &c. March 29, 1628. Mr. Hackewyll reported from the Committee of Privileges and Elections the case of this borough. No mayor or bailiff there, but only constables.—Agreed the election to be made by the Inhabitants. Two indentures returned: Sir George Goring and Sir George Rivers by one; Sir George Goring and Mr. Stapeley, by another.—22, That neither Sir George Rivers nor Mr. Stapeley well elected—27, *contra*—The conclusion of the committee that Mr. Stapeley was well elected.

April 3. Resolved upon the question, "That the election of Mr. Stapeley for this town is a good election. The indenture wherein Sir George Goring and Sir George Rivers are returned to be taken off the file.

May 26, 1685. A petition of Sir John Stapeley, knight and bart., touching the election for this borough.—No report.

Dec. 1, 1710. A petition of Nathaniel Trayton, esq., complaining of an undue return of Peter Gott, esq., by bribery and other illegal practices.—No report.

Jan. 23, 1735. Nathaniel Garland and Thomas Sergison, esqrs., petitioned.

Renewed second sessions.

March 8, 1736. On a hearing resolved, "That the right of election is in the Inhabitants being Householders, paying scot and lot, and that the sitting members are duly elected."

CORPORATION.

None.

RIGHT OF ELECTION.

See above.

NUMBER OF VOTERS—320.

RETURNING OFFICERS—the Constables.

POLITICAL CHARACTER.

Lewes is an ancient Saxon borough as well as Arundel in this county, and having never accepted a charter, retains its ancient right of election in the householders, and the constables are the returning officers; but the introduction of the feudal system, transferred the right of appointing them from the inhabitants of each hundred housekeepers to the lords of manors, whose establishment commenced with that system. This borough was formerly under the absolute controul of Hollis Duke of Newcastle. This influence his Grace acquired from the weight of property which he possessed here, and from the distribution of some employments under government, of which he was at that time sole manager. In 1768 the late Col. Hay, of Glynde Bourne near this town, was recom-

mended by the Duke as one of the candidates for its representation ; in consequence of which he obtained from the voters, a promise of their suffrages. Immediately after this transaction, the Duke thought proper to countermand his former recommendation, and accordingly withdrew his sanction from Colonel Hay, and gave it to Sir Thomas Miller. The people, however, thought themselves bound in honour to abide by their promises ; and Colonel Hay, conceiving himself ill-treated in the business, resolved to stand the poll. Upon the day of election, he was firmly supported by his friends, who gave him sixty single votes, and obtained for him so great a majority over his opponent, as to make him finally successful. In 1780 there was a cross poll, when the Hon. Henry Pelham, Col. Hay, and Thos. Kemp, esq., of this borough, were candidates, each of whom stood upon his own separate interest. In this contest Mr. Hay was unsuccessful ; and Mr. Kemp was returned by the interest which had always shewn itself hostile to that of Lord Pelham. In 1784 Sir Henry Blackman, knight, was put in nomination to represent this town, by the famous Mr. Harben, of upstart notoriety, who, notwithstanding this profession of friendship, on the day of election, deserted and cruelly betrayed him ; upon which Sir Henry represented to the people the situation into which he had been led by the artifices of this man, in so pathetic and convincing a manner, that Mr. Harben was obliged instantly to quit the hall, amidst the hisses and murmurs of his fellow-townsmen.

Mr. Kemp, when he first offered himself a candidate, agreeably to the principles of the constitution, pledged himself to the electors, as the late Alderman Bull did to the city of London, that he would accept of neither place, pension, gratuity, nor reward of any kind from any administration, while he should have the honour of representing them in Parliament.

Upon the death of the Duke of Newcastle, this borough became subject to the influence of the late Lord Pelham till 1780, when Mr. Kemp was first chosen by the independent interest.

Lord Pelham and his son the present Earl of Chichester, continued to nominate one member till the general election in 1806, when the borough became altogether independent.

On the death of Thomas Kemp, esq., his son Thomas Read Kemp, esq., was elected in his room.

There was a contest at the last general election in 1812, when the numbers were as follow :

For Thomas Read Kemp, esq. 313

George Shiffner, esq. 164

—— Scarlet, esq. 153

The parishes of Southover and St. Thomas Cliff, which form part of the town, are not within the limits of the borough of Lewes, and are consequently excluded from the right of voting. This defect is common to most of the towns in England, and the members who are sent from them, local and circumscribed as the right of election is every where found to be, it is rendered still more so by the confined limits of borough districts. Not

more than half of the resident housekeepers have the right of voting in many boroughs which have the name of being represented ; and at Taunton, and many others, not more than one third are admitted to partake of that constitutional privilege.

NEW SHOREHAM.

NEW SHOREHAM is a seaport, borough, and market town, in the hundred of Fishergate, and rape of Bramber, Sussex, six miles from Brighton, and 56 from London, on the river Adir ; containing 148 houses and 799 inhabitants. The town has a considerable traffic, and has a custom-house, with a collector, comptroller, and inferior officers. Along the neighbouring coast, during peace, much smuggling is carried on. Shoreham has a considerable trade in shipbuilding, and is noted for the excellence of its oysters. The market is on Saturday ; and a fair 25th July.

REPRESENTATIVE HISTORY.

This Borough has returned burgesses to Parliament from the 23d of Edward I. And, we find that, in the second of Henry V., they were elected in the county courts.

PETITIONS &c., March 19, 1768. A petition of several of the inhabitants of this borough complaining of undue practices, used by the constable of this borough in electing and returning Robert Fagg, esq., and John Cheal, gent., to the injury and

wrong of the petitioners who did duly elect Sir Anthony Dean, knt., and the said Robert Fagg.

No report.

Feb. 26, 1700. A petition of David Punnett and Henry Guilford on behalf of themselves and several other inhabitants of this borough, complaining of an undue return of Nathaniel Gould a mere stranger in this borough; who a few days before the election came down from London, and ordered the public cryer of the said borough to give notice, with his bell, to all the votesmen, to come to the King's Arms, to receive a guinea each man to drink Mr. Gould's health; by which, and other corrupt practices, he hath procured himself to be returned, most of the votesmen having received a guinea a piece.

March 14. A petition of Nathaniel Gould, esq., pleading inadvertency, and submitting himself to the favor of the House.

Resolved: "That the said Mr. Gould be discharged from being a member of this House."

Ordered: "That the hearing be discharged."

Jan. 3, 1701. A petition of John Perry, esq., complaining of an undue return of Nathaniel Gould, esq., by bribery and other undue practices.

No report.

Nov. 2, 1705. A petition of John Perry, esq., complaining of an undue return of John Wicker.

No report.

Dec. 7, 1708. Resolved: "That Anthony Hammond, esq. being a commissioner of the navy, and employed in the out-ports, is thereby incapable of being elected, or of voting as a member of

Parliament, and a new writ was ordered the next day. Richard Lloyd, esq., having been returned in his place, Nathaniel Gould, esq., petitioned against him, but Mr. Lloyd was voted duly elected.

Dec. 2, 1710. A petition of Edward Dummer, esq., another of Robert Nightingale, esq.

No report.

March 26, 1715. A petition of Francis Chamberlain, esq., petition withdrawn.

In 1770, Thomas Rumbold, esq., petitioned against the election of John Purling, esq. This was the first contested election that was tried by the famous Grenville Act, and a remarkable scene of corruption was brought to light before the committee appointed to try it. Hugh Roberts had returned a candidate with only thirty votes, in prejudice of the petitioner, who had eighty-seven, of which he had queried seventy-six, and made his return without examining the validity of the votes so queried. On the 17th of December, 1770, the chairman of the committee reported to the House, that the petitioner was duly elected, and ought to have been returned; that John Purling, esq., was not duly elected, and ought not to have been returned; and that the most corrupt practices had been used in the said borough of Shoreham. In consequence of this report, this iniquitous business was thoroughly investigated at the bar of the House. “ Jan. 29, 1771, report received, stating, that the conduct of the returning officer, in taking the poll, and making the return at the last election, was illegal. Ordered, That the returning

officer attend this House on Thursday, Feb. 14.” —“ Feb. 8, Returning officer called in; his defence read; directed to withdraw. Called in again; and, having said that he was not guilty of the charge contained in the said resolutions, the original poll, taken at the election, was produced, and John Browne examined in support of the charge. And then the said Hugh Roberts, the returning officer, was heard in his defence. And having proposed to produce evidence in support of what he had acknowledged in his defence, he was again directed to withdraw.” —“ Feb. 12, called in again, and produced several witnesses, who were examined in his defence; desired to withdraw.” Resolved: “ That Hugh Roberts, the late returning officer, &c. having &c. hath thereby acted illegally, and in breach of the privileges of this House.” Ordered: “ That the said Hugh Roberts be, for this said offence, taken into the custody of the sergeant at arms.” —“ Feb. 13. A petition from the returning officer read.” —“ Feb. 14. Brought to the bar, where he, upon his knees, received a reprimand from Mr. Speaker, and was ordered to be discharged out of custody.”

In consequence of this corruption, Shoreham was disfranchised. The returning officer and other voters were ordered to be prosecuted by the attorney-general; and an act passed this session, whereby Roberts and eighty other persons were for ever disqualified from voting for members of Parliament, and the right of election for the borough of Shoreham extended to all the freeholders of forty shillings within the rape of Bramber.

The right of election was formerly in the inhabitants paying scot and lot.

Nov. 29, ——— Butler, esq., petitioned.

CORPORATION.

None.

RIGHT OF ELECTION.

11 Geo. III., c. 3, s. 6. To be publicly read before they proceed to election, is in every freeholder of the rape of Bramber, in the county of Sussex, possessing a freehold of the clearly value of 40*s. per annum*, and in the persons who, by the custom and usage of the said borough had a right to vote at such election (sixty-nine persons in this act particularly named freeholders of the said borough, always and only excepted.)

NUMBER OF VOTERS—1,500.

RETURNING OFFICERS—the Constables.

PATRONS—Duke of Norfolk and Earl of Egremont.

POLITICAL CHARACTER.

This borough has rendered itself more conspicuous than most others, by a remarkable scene of corruption, which was brought to light before a committee in the House of Commons in the year 1777. The returning officer had returned a candidate with only 37 votes, in prejudice to another who had 87 ; of which he had queried 76, and made his return without examining the validity of the votes he had so queried.

It appeared from the defence made by the officer, that a majority of freemen of that borough had formed themselves into a society, under the name of the Christian Club ; the apparent ends of

which institution were to promote acts of charity and benevolence, and to answer such other purposes as were suitable to the import of its name. Under this sanction of piety and religion, and the cover of occasional act of charity, they profaned that sacred name, by making it a stale for carrying on the worst of purposes ; making a traffic of their oaths and consciences, and setting their borough to sale to the highest bidder ; while the rest of the freemen were deprived of every legal benefit from their votes.

The members of this society were bound to secrecy, and to each other, by oath, writings, bonds with large penalties, and all the ties that could strengthen their compact ; and carried on this traffic by means of a select committee, who, under pretence of scruples of conscience, never appeared or voted at any elections themselves ; but, having notwithstanding sold the borough, and received the stipulated price, they gave directions to the rest how to vote ; and by this complicated evasion, the employers and their agents, having fully satisfied their conscience, shared the money as soon as the election was over, without any scruple.

The returning officer had belonged to this society ; and having taken some disgust to his associates, he quitted the party. The majority of legal voters which he objected to, was, he said, in part owing to his experimental knowledge of their corruption, and partly founded upon several improper acts which had come within his knowledge as magistrate upon the late election ; particularly an affidavit of a very considerable sum of money

which had been distributed among them. Upon these grounds, though they had the hardiness to take the oath against bribery and corruption, he looked upon them as disqualified; and having, besides, taken the opinion of counsel, which, it seems, coincided with his own, he returned the candidate who had the smaller number of votes, as they were free from these objections.

Upon these principles, and his not acting intentionally wrong, the officer rested his plea of justification for the illegality of his conduct. As the assumption of such an act of power by a returning officer, upon whatever principle it was founded, would, however, have been a precedent of the most dangerous tendency, he was accordingly taken into custody; but, in consideration of the circumstances in his favour, and of his bringing so infamous a combination to light, he was discharged, after receiving a reprimand upon his knees, from the Speaker, in the presence of the House.

As this combination was of too flagrant a nature to be overlooked, and the select committee had not power to proceed any further in it, they reported the whole matter to the House, and moved, that they would make a further inquiry into it. Though this met with an opposition from some of those who, having no good wishes for the late act for regulating the trial of controverted elections, were glad of so early an opportunity to point out its inefficacy, and depreciate its merits; yet the general excellency of that law, notwithstanding any of its present deficiencies, which every day's experience

would give new opportunities of supplying, carried with it such conviction as to be already well understood; and the motion for an inquiry was carried through without a division.

The allegations made by the returning officer having been as fully proved, in the course of this inquiry, as the nature of the case would admit, and entirely to the satisfaction of the House, a bill was at length brought in to incapacitate 81 free-men of Shoreham by name, from voting at elections of members to serve in Parliament, and for the preventing bribery and corruption in that borough; and at the same time an address was ordered, for the attorney-general to prosecute the five members of the Christian Club who composed the committee which transacted the bargain as to the sale of the borough at the last election.

The different transactions, however, consequent of this subject, ran through the whole session; and it was not till the last day of it that the bill received the royal assent. The members of the club were heard by counsel against it. Many doubts also arose as to the mode of punishment. It was proposed to disfranchise the borough; this, however, was thought too dangerous a precedent; others thought that the culprits should be left to the punishment of the law; but, though there was a clear conviction of their guilt, it was a matter of such a nature, as made the establishment of legal evidence very difficult; and if they escaped without some signal mark of reprobation, it would be an encouragement to the most barefaced corrup-

tion, when the whole kingdom saw that it could be done with impunity.

The 11th Geo. III., cap. 55, recites, in the preamble, that, "Whereas a wicked and corrupt society, calling itself the Christian Society, hath, for several years, subsisted in the borough of New Shoreham, in the county of Sussex, and consisted of a great majority of persons having a right to vote at elections of members to serve in Parliament for the said borough; and whereas it appears that the chief end of the institution of the said society was for the purpose of selling, from time to time, the seat or seats in Parliament for the said borough: and whereas John Burnett, Charles Hannington, Thomas Haselgrove, Ralph Moor, Thomas Parsons, Thomas Snook, junior, Thomas Hannington, John Hannington, John Robinson, William Cheesman, George Browne, John Parsons, John Curl, Frederick Dean, William Dean, Samuel Tuppen, John Sawyers, Thomas Crowter, Thomas Pockney, Joseph Dedman, John Dean, John Whiting, William Stevens, John Bawcomb, Robert Parker, John Hogsflesh, John Purse, John Dean, Thomas Jennings, John Snook, jun., Richard Tilstone, William Turner, Walter Sawyers, Charles Mitchell, John Jarmand, John Wood, Friend Daniel, William Gratwick, Nathaniel Hillman, Thomas Roberts, John Ashman, William Cooter, Thomas Frost, Michael Smith, Richard Carver, Michael Durrant, Emery Churcher, Walter Broad, Richard Stoneham, James Bennett, Clement Freeman, William Jupp, Thomas Crow-

ter, John Barnard, James Mitchell, James Millar, otherwise Miller, William Newnham, Jeffery Carver, Randall Button, James Carver, John Martin, John Dedman, senior, William Jennings, William Hards, Thomas Gear, William Rusbridge, Henry Robinson, and Henry Hannington, were members of the said society: in order, therefore, to prevent such unlawful practices for the future, and that the said borough from henceforth be duly represented in Parliament, be it enacted that the said parties shall be, and by virtue of this act are, from henceforth, incapacitated, and disabled from giving any vote at any election for choosing a member or members to serve in Parliament. It is also enacted, That from henceforth it shall and may be lawful to and for every freeholder, being above the age of one and twenty years, who shall have, within the rape of Bramber, in the said county of Sussex, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in Parliament for the said borough of New Shoreham.

“ And it is further enacted, That the right of election of a member or members to serve in Parliament for the said borough of New Shoreham shall be, and is hereby declared to be, in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election; those whose names are mentioned herein, and incapacitated and disabled by this act, only excepted: and the constable, or other proper officer for the time being, to whom the return of

such writ or precept does belong, is hereby required to return the person or persons, to serve in Parliament for the said borough, who shall have the major number of votes of such freeholders and other persons having a right to vote at such election, (except such persons as are herein before excepted ; any law or usage to the contrary notwithstanding."

The right of election being now extended by the above act to about twelve hundred freeholders of the rape of Bramber, the arts of corruption have been defeated, the borough has since been represented by independent country gentlemen, and every election has been conducted with constitutional decorum. The practical experiment that has been tried here, and at Cricklade and Aylesbury, of the advantages which would attend a parliamentary reform, or even a similar disfranchisement of the corrupt and decayed boroughs, is a complete refutation of every objection that has been urged against that important measure.

ARUNDEL.

ARUNDEL is a borough and market-town in the rape of Arundel, Sussex, 12 miles from Chichester, and 57 from London ; containing 234 houses and 1,855 inhabitants, of whom 227 were returned employed in various trades. The town is so ancient as to be mentioned in the will of King Alfred, and was a borough before the Conquest. It

is much resorted to in summer for sea-bathing, and has a good market on Wednesday and Saturday.

REPRESENTATIVE HISTORY.

This borough has sent members to Parliament from the time of Edward I.

PETITIONS, &c. March 24, 1623. Mr. Glanville reported a petition exhibited by the inhabitants at large, complaining of an undue return of Sir George Chaworth.

Resolved, upon the question, "That the mayor, burgesses, and inhabitants of Arundel ought to have a voice in the election of burgesses."

"That Sir George Chaworth is not well elected."

"That Mr. Mill is duly elected."

Resolved: "That the mayor, now being in town, shall be commanded to return Mr. Mills; if he be not in town, a warrant to go to him for it."

Resolved: "That Mr. Alford, Mr. Bowyer, and Mr. Lawkner, shall set down the charges."

Jan. 31, 1693. A petition of John Cooke, esq., complaining of an undue return of Lord Walden.

Resolved: "That the right of election for this borough is only in the inhabitants paying scot and lot."

"That Lord Walden is not duly elected."

"That John Cook is duly elected."

Feb. 4, 1700. A petition of Christopher Knight, esq., complaining of an undue return of Edmund Dummer, esq., by bribery and other indirect practices.—No report.

In 1708-9, Edmund Dummer, esq., petitioned against the election of Richard, Viscount Shannon. The petition was renewed the second session. Ordered, Dec. 12, 1709, "That in regard there is material difference between the petition presented this session and the petition presented last session, that the committee be discharged from proceeding any further on the petition presented this session."

In 1728, Thomas, Viscount Gage, was declared not duly elected, and John Lumley, esq., took his seat.

In 1780, a petition being presented to the House of Commons by the Hon. Percy Charles Wyndham, complaining of the undue election and return of Sir Patrick Crauford, knt., and Thomas Fitzherbert, esq., a committee was appointed on the 6th of March, 1781, to try the merits of the same; when it appeared in evidence, that a society existed in this borough, under the name of the Malt-house Club, similar, in its institution and practices to the Christian Club at Shoreham; and that the persons who composed this club had actually received thirty guineas a man for giving their votes at the preceding election. The evidence did not extend to the incapacitation of both the members. Mr. Fitzherbert was included in the allegations of the petition, but not in the decision of the committee, who reported to the House on the 12th of March, 1781,

"That Thomas Fitzherbert, esq., was duly elected."

“ That Sir Patrick Crauford, knt., was not duly elected.”

“ That the Hon. Percy Charles Wyndham, the petitioner, was not duly elected.”

A new writ was accordingly issued, when Peter William Baker, esq., was unanimously chosen to supply the vacancy.

CORPORATION.

It is governed, under a charter of Queen Elizabeth, by a mayor and 12 burgesses. The mayor is annually chosen, and is judge at a court-leet of the lord of the manor, held every three weeks. He has the authority of a justice of the peace, though he seldom executes the office; he appoints collectors of the package and stallage, ale-conners, and flesh-tasters; and no writ can be executed within the borough without his permission.

RIGHT OF ELECTION.

Feb. 22, 1693. Is only in the Inhabitants of the said borough, paying scot and lot.

NUMBER OF VOTERS—about 190.

RETURNING OFFICER—the Mayor.

PATRON—the Duke of Norfolk.

POLITICAL CHARACTER.

This borough was managed by the late Sir George Colebroke, the proprietor of Gatton, in the days of his affluence; after which, it appears by the evidence given on Mr. Windham's petition, its representation was put up to sale.

In 1784, the Duke of Norfolk, having made his

ancient and venerable castle near this place his country residence, his influence returned one member; and by making considerable purchases, and erecting a magnificent inn in the borough, his Grace obtained, in 1806, the absolute control of its political rights, and returned both members in that year, and at the succeeding elections of 1807 and 1812.

HORSHAM.

HORSHAM is a borough, market-town, and parish, in the hundred of East Easewrith, rape of Bramber, Sussex, $11\frac{1}{2}$ miles from Dorking, and 36 from London; containing 566 houses and 3,204 inhabitants, viz. 1,526 males, and 1,678 females, of whom, 1,973 were returned as employed in various trades, &c. It stands on the river Arun. Its market on Saturday is well supplied with poultry, which is bought up for the supply of the London market; and the last Tuesday in every month it has a good cattle market. Its fairs are the Monday before Whit-Sunday, 18th July, and Saturday following, and 16th and 27th November.

REPRESENTATIVE HISTORY.

This borough has been summoned to send burgesses to Parliament from the 23rd of Edward I. Mr. Bohun writes—"The borough of Horsham is held of the Duke of Norfolk as lord thereof. The house or land that pays twelve-pence a year to the duke is called a whole burgess-ship;

“ but these tenancies have been split into such
 “ small parts, that he who has only so much land,
 “ or part of a house, as pays two-pence a year, is
 “ now by custom entitled to vote for members to
 “ serve in Parliament. But it is the tenant of the
 “ freehold, though not resident in the place, or
 “ occupier of the house or land, that has the right
 “ to vote.”

PETITIONS, &c. Feb. 7, 1588. Ordered a new writ be issued for electing a burgess for this borough in the room of Mr. Nicholas Hare, who being sick, desired to be discharged.

Jan. 3d, 1701. A petition of Henry Cowper, esq., complaining of an undue return of John Wicker, esq., by bribery, treats, menaces, and other illegal practices, and partiality of the bailiffs.

No report.

Nov. 2d, 1705. A petition of John Wicker, esq., complaining of an undue return of Henry Cowper, esq.

Dec. 4, 1706. Another petition of said John Wicker to the same effect.—No report.

March 3, 1713. A petition of Richard Ingram, esq., complaining of an undue return of Charles Eversfield and John Middleton, esqrs., by bribery and other undue practices.—No report.

March 26, 1715. A petition of the Hon. Arthur Ingram, esq., complaining of an undue return of Charles Eversfield, esq., and Sir Harry Goreing, by partiality of the bailiffs, and other illegal practices.

A petition of Arthur Ingram, esq., to the same effect.

June 16. Mr. Hampden reported, "That it was agreed this borough is a borough by prescription, and that only burgage-tenants in fee, or for life, have a right of voting:" but the sitting member's counsel insisted that it was essentially necessary they should be presented by the homage-jury, which was denied by the petitioner's counsel.

The committee resolved,

"That the right of election of members to serve in Parliament for this borough is in all such persons as have an estate of inheritance, or for life, in burgage-houses, or burgage-lands, lying within the said borough."

On the poll the numbers were—

For Sir Henry Goreing 33

Mr. Eversfield 36

The Hon. Ar. Ingram 33

Arthur Ingram 28

Here a number of witnesses were called as to the qualifications of voters, bribery, arresting, and other illegal practices, &c.

Resolved: "That Sir Harry Goreing, bart., and Charles Eversfield, esq., are not duly elected."

"That the Hon. Ar. Ingram, esq., and Arthur Ingram, esq., are duly elected."

Resolved: "That John Linfield, attorney at law, has been guilty of divers illegal and unjustifiable practices in relation to the late election of members to serve in Parliament for this borough."

Ordered: "That the said John Linfield be, for his said offence, committed to the custody of the sergeant at arms attending this House."

Lord William Gordon and James Baillie, esq., and certain electors in their interest, petitioned in 1790 against the return of Timothy Shelley and Wilson Bradyl, esqrs. The petition was renewed the second session. A committee to try this case met Feb. 16, 1792. The petitions were the same in substance, stating, that the election for Horsham was held June 19, 1790; that Drew Mitchell and John Rawlinson, the bailiffs, acted with gross injustice and partiality in favour of the sitting members: that on a poll being demanded, they appointed the Duke of Norfolk's steward, Thomas Charles Medwin, and James Robertson, the steward's clerk, to be the poll-clerks, who rejected legal votes in favour of the petitioners, and received illegal votes for the sitting members, by which means they procured a colourable majority. The final numbers on the poll were—

T. Shelley, esq.	25
W. Bradyl, esq.	24
Lord W. Gordon	20
J. Baillie, esq.	9

On the 8th of March, 1792, the chairman of the committee reported to the House, that the petitioners were duly elected, and ought to have been returned, and that the sitting members were not duly elected, and ought not to have been returned. That neither the petitions nor the opposition to them appeared to be frivolous or vexatious. The committee also came to a resolution, which was not reported to the House, that Drew Mitchell and John Rawlinson, the bailiffs and returning

officers, were reprehensible for their conduct. The numbers, according to the votes allowed legal by the committee, were—

Lord W. Gordon 15

J. Baillie, esq. 14

T. Shelley, esq. 10

W. Bradyl, esq. 9

Copley's
Pamph.

There being a double return in 1806, viz. Right Hon. James, Viscount Fitzharris and Right Hon. Henry, Viscount Palmerston, Love Parry Jones and Francis G. Wilder, esqrs., petitions were accordingly presented. A committee to decide the case was chosen Jan. 8, 1807. The petition of Lord Fitzharris and Lord Palmerston stated, that a considerable majority of legal votes had been given in favour of the petitioners, but that the bailiffs, who were the returning officers, having admitted a great number of illegal votes for L. P. Jones and F. G. Wilder, esqrs., these gentlemen obtained a colourable majority, and the bailiffs declared them duly elected; but that it being contended, on the part of the petitioners, that they ought to be returned, the said bailiffs, with the consent of the counsel for Messrs. Jones and Wilder, were prevailed upon to make a double return; and by one indenture returned Messrs. Jones and Wilder as duly elected, and by another indenture returned the petitioners as duly elected; whereas the petitioners only ought to have been returned as duly elected. The petition of L. P. Jones and F. G. Wilder, esqrs., contained the same allegations, and was accompanied by another from cer-

tain electors in their interest. The numbers on the poll were—

L. P. Jones, esq.44

F. G. Wilder, esq.44

Lord Fitzharris29

Lord Palmerston29

The return of Mr. Jones and Mr. Wilder being *immediately* annexed to the precept, the case was opened by their counsel, pursuant to the standing order of March 18, 1727-8. They objected, on the ground of occasionality, to 28 out of 29 votes which were polled for Lord Fitzharris and Lord Palmerston. On Jan. 20, the chairman of the committee reported to the House, that Francis G. Wilder and Love Parry Jones, esqrs., were duly elected, and that Viscount Fitzharris and Viscount Palmerston were not duly elected.

CORPORATION.

None.

RIGHT OF ELECTION.

June 16, 1715. Is in all such persons as have an estate of inheritance or for life, in burgage houses or burgage lands lying within the said borough.

NUMBER OF VOTERS—24.

RETURNING OFFICERS—the two Bailiffs, appointed at the court-leet of the Duke of Norfolk.

PROPRIETOR—Duke of Norfolk.

POLITICAL CHARACTER.

The right of election in this borough is exclusively in the burgage-holders. The number of

these tenures has been a subject of litigation and dispute at almost every election. In 1792, a committee of the House of Commons determined them to be only twenty-four; but, in January, 1807, another committee came to a contrary decision. The former of these committees gave the right of election to the burgage-holds which belonged to the late Lady Irwin, and the latter committee, to those of the Duke of Norfolk. On the death of Lady Irwin, her ladyship's interest in this borough descended to the Marquis of Hertford, who married one of her daughters, and the litigation for the nomination of the members was carried on with equal zeal and expense: and we should feel it necessary to enter more into detail on the subject of the various petitions and contradictory decisions which have taken place, but that they are become uninteresting by the sale made by the Marquis of Hertford of the whole of his burgage-holds and the Horsham estate, to the Duke of Norfolk; who is now sole proprietor of the whole of this borough, and nominates the returning officers and members.

STEYNING.

STEYNING is a borough and market-town in the hundred of Steyning, and rape of Bramber, Sussex, 15 miles from Lewes, and 51 from London; containing 212 houses and 1,174 inhabitants. The market is on Wednesday, and there is one

on the second Wednesday in every month for cattle. Fairs, 9th June, 19th September, and 10th October. The Michaelmas fair is very considerable for Welsh and other cattle, sheep, hogs, and seed wheat.

REPRESENTATIVE HISTORY.

This borough has returned burgesses to Parliament, as Mr. Prynne shews in his lists, from the 6th of Edward I. Dr. Willis writes, it made no returns until the 4th of Edward II.; he seems mistaken, because Mr. Prynne has wrote their names in the 6th of Edward I.; but then makes an intermission of returns till the 4th of Edward II. Mr. Prynne also writes, that it was sometimes joined with Bramber.

PETITIONS, &c. Feb. 15, 1640. Resolved: "That Mr. Thomas Leeds returned one of the burgesses for this borough, shall sit as a member of the House till the election be determined."

Oct. 25, 1680. A petition of Philip Gell, esq. No report.

March 11, 1700. A petition of Charles Goreing, esq., complaining of an undue return of Sir Robert Fagg, by bribery and other illegal practices.

In 1701, Sir Rowland Gwynne reported from the Committee of Privileges and Elections, That the right of election was agreed to be in the inhabitants paying scot and lot, and not receiving alms, and that, upon the whole, there was,

For Sir Robert Fagg (sitting member) 33

Charles Goreing, esq., (petitioner) . . . 30

Fraser, v. ii.
p. 261.

13 Journ.,
p. 481.

There were mutual charges of bribery, and the election was declared void.

Nov. 4, 1702. A petition of Charles Fagg, esq., complaining of an undue return of Charles Goreing, esq., by bribery, counterfeit letters, and other undue practices.

No report.

Nov. 2, 1705. A petition of Sir Edward Hungerfield, knight of the Bath, complaining of an undue return of Mr. William Wallace, by bribery and other corrupt practices.

Dec. 5, 1706. Another petition, same as the former.

No determination.

Nov. 24, 1708. A petition of William Wallis, esq., complaining of an undue return of Lord Tunbridge, by corruption and other undue practices.

Jan. 22, 1709. Resolved: "That William Henry, Lord Tunbridge, now Earl of Rochford, was duly elected."

There was a double return (Richard, Lord Bellew and Harry Goring, esq.,) in the place of W. H. Viscount Tunbridge, who succeeded his father as Earl of Rochford, Jan. 22, 1708-9: when, on

Peckwell.
v.ii. p. 371.

Feb. 5th. Mr. Goring petitioned, stating, that he had been duly elected; that the constable, upon casting up the poll three times, declared him to have the majority; that the Duke of Richmond demanded a scrutiny, but that the constable again declared the petitioner was duly elected, and that he should return him; notwithstanding this, he made a double return of the petitioner and

Lord Bellew. Lord B. petitioned. The matter was laid before the House; and the question concerning the return being first examined, it was resolved, that Mr. Goring was duly elected, and the consideration of the merits of the election was adjourned. 15 Journ.
p. 93, 109.

Lord Bellew withdrew his petition.

In 1710, James St. Amyand, esq., petitioned against the return of William Wallis, esq. The numbers on the poll were—

William Wallis, esq..... 51

J. St. Amyand, esq. 20

The right of election was determined to be in the constables and householders, paying scot and lot. Bribery was proved on both sides, and the election was declared void. Fraser, v. ii.
p. 263.
16 Journ.
p. 506.

Feb. 17, 1710-11. Resolved: "That no new writ do issue this session."—Next session, Feb. 1711-12, a new writ was ordered in the room of William Wallis, esq. Beatson's
Reg.

William Wallis, esq., then petitioned against the return of Richard, Lord Viscount Bellew. —The committee appointed to try this case resolved: Fraser, v. ii.
p. 262,
17 Journ.
p. 213.

March 20, 1712. "That Richard, Lord Bellew, was the person elected, and that the return ought to be amended, by erasing out the word *Viscount*." The House disagreed with the committee, as the contest again turned upon bribery, and the election was again declared void. It was also ordered, that no new writ should issue during that session of Parliament.

March 30, 1715. William Wallis esq., having petitioned against the return of Robert Leeves, esq., Mr. Hampden reported to the House, that the poll was,

For Robert Leeves, esq. 62

William Wallis, esq. 39

Fraser, v. ii.
p. 263.

18 Journ.
p. 335.

But it being proved, that 34 of the sitting member's voters had received bribes, and no one appearing to defend his election, the petitioner was seated in his place.

Oct. 18, 1722. A petition of William Wallis, esq., complaining of an undue return of Major-general John Pepper and John Gumley, esq., by bribery and other indirect practices.

A petition of Sir Harry Goreing, bart., to the same effect.

Another petition of Sir Harry Goreing.

And a petition of Sir Robert Fagg.

Another petition of Sir Robert Fagg.

These were ordered to be referred to the committee, &c.: and afterwards on Jan. 21st, 22nd, and 23d, withdrawn.

In 1724, Thomas Harrison, esq., petitioned against the election of John Gumley, esq., but omitted to deliver his qualification as required.

Jan. 27, 1728. Sir Robert Fagg petitioned.

Nov. 25, 1790. John Curtis, esq., and Sir John Honeywood, bart., petitioned against the return of James Martin Lloyd, esq., and Henry Howard, esq. And on the 7th of March, 1791, the chairman of the committee reported to the House, That James Martin Lloyd and Henry

Howard, esqrs., were not duly elected : and that the petitioners were duly elected, and ought to have been returned. The return amended accordingly. Agreeable to the determination of this committee, the resolution of 1701 and 1710, respecting the right of election, was altered, it having been resolved to be in the inhabitants of ancient houses, and houses built on the sites of ancient houses, within the borough of Steyning, being householders, paying scot and lot, and not receiving alms.

Samuel Whitbread, esq., and certain electors in his behalf, having petitioned against the election of J. M. Lloyd, esq., on March 14, 1792, a committee met to take them into consideration ; and on May 7, they determined, that James Martin Lloyd, esq., was not duly elected, and that Samuel Whitbread, esq., the petitioner, was duly elected, and ought to have been returned, and that neither the petitions, nor the opposition to them, were frivolous or vexatious.

Feb. 1, 1792, James Martin Lloyd, esq., and others, petitioned against the resolution of March 7, 1791, which determined the right of election for this borough to be in the burgage tenures.

On the 4th of April following, the chairman of the committee reported that they had resolved, " That the determination of March 7, 1791, was *not* the right of election for the said borough, but that the right of election was in the constable and householders, inhabitants within the said borough, paying scot and lot, and not receiving alms.

CORPORATION.

None.

RIGHT OF ELECTION.

April 4, 1792. Is in the Constable and Householders, inhabitants within the borough, paying scot lot, and not receiving alms.

NUMBER OF VOTERS—80.

RETURNING OFFICER—the Constable.

PROPRIETOR—Duke of Norfolk.

POLITICAL CHARACTER.

This borough, together with that of Bramber, consists of one street, not more than two-thirds as large as Fetter-lane in London ; but constituting *two boroughs*, with a right of sending *four members to Parliament!!!* They formerly elected in conjunction, and intermitted till 31 Henry VI. One part of Bramber is in the centre of the borough of Steyning, and a part of Steyning intersects Bramber in like manner. Inveloped in the dark cloud of legal quibble and intricacy, they present us, like all the rotten boroughs, with a finished picture of political deformity ; irregular in their districts, unintelligible in their constitutions, indefinite in their rights, corrupt in the exercise of their functions, contradictory in their respective organizations, and adverse to the ancient established principles of the constitution, and the rights of men.

The right of election has been the subject of

litigation in this place for near a century, and has but lately received a final decision from a committee constituted under the authority of 28 Geo. III., to determine the same, upon an appeal from a contrary determination the preceding year.

In 1701, the right was determined to be in the inhabitants paying scot and lot, and not receiving alms.

In 1710, to be in the constables and householders (inhabitants) paying scot and lot.

On 16th June, 1715, to be in all such persons as have an estate of inheritance or for life, in burgage-houses or burgage-lands, lying within the said borough.

In 1791, to be in the inhabitants of ancient houses, and houses built on the sites of ancient houses, within the borough of Steyning, being householders, paying scot and lot, and not receiving alms.

In 1792, the select committee appointed to try and determine the merits of the petition of James Martin Lloyd, esq., and others,

Resolved: "That no persons have a right to vote at an election for members to serve in Parliament for the borough of Steyning in respect of any houses within the borough of Bramber, the tithing of Bidlington, or the manors of Charlton or King's Barnes.

The said select committee, at the same time, also determined,

"That the right of election of members to serve in Parliament for the borough of Steyning, in the

county of Sussex, is in the constable and householders, inhabitants within the said borough, paying scot and lot, and not receiving alms.

The houses built on ancient foundations were all the property of the late Sir John Honeywood; the rest belonged to the Duke of Norfolk: and as those of a general description are more numerous, the resolution of 1792, repealing that of 1791, changed the patron, and transferred that influence to the Duke of Norfolk, which the former gave to Sir John Honeywood.

The resolution of 1791 ousted Henry Howard, esq., the present member for Gloster, who had a majority of the householders paying scot and lot, and declared John Curtis, esq., who had only the votes of those persons who inhabited houses built on ancient foundations, duly elected.

The resolution of 1792 established the election of James Martin Lloyd, esq., who polled the identical votes which were deemed illegal the preceding year; and the petitioner *lost* his seat by the same pretensions that Mr. Curtis had obtained one.

These contradictory resolutions have been productive of the same parliamentary inconsistency which distinguished the borough of Saltash, in the Parliament of 1785. Mr. Ambler obtained his seat for that place by the decision of a committee in that year, against the petition of Lord Strathaven, and the same Mr. Curtis, who now succeeded at Steyning, on the right of the corporation to elect the members for Saltash. In 1787,

Mr. Lemon, the petitioner, by the determination of a second committee, appointed to try the same question, succeeded on the votes of the burgage-holders, and ousted the Earl of Mornington, sitting member, who had been elected by the corporation.

“ Thus two members were sitting in the House
“ of Commons at the same time, and for the same
“ borough, upon the right of different descrip-
“ tions of electors who had each of them been
“ deemed ineligible in the same Parliament.”

This was exactly the case with the representatives of this borough. The inhabitants of houses built on ancient foundations, and the inhabitants in general, have each been declared to possess the right of election ; and a member, chosen by each description of voters, has been seated and ousted in the same Parliament.

Since the above decision on the right of election, the Duke of Norfolk has effectually prevented all further contest, by purchasing the whole of Sir John Honeywood's property in Steyning, as he did that of the Marquis of Hertford, at Horsham, and thereby became sole proprietor of both boroughs.

BRAMBER.

BRAMBER, a borough and parish in the hundred of Steyning, rape of Bramber, Sussex, is half a mile from Steyning and $49\frac{1}{2}$ from London ; containing only 22 houses and 91 inhabitants. This

place has the remains of an old bridge and a castle; but has neither market nor fair.

REPRESENTATIVE HISTORY.

This borough sent burgesses to Parliament as early as the 23d of Edward I. It afterwards intermitted sending, and sometimes sent in conjunction with Steyning, before the 7th of Edward IV.

PETITIONS, &c. Dec. 16, 1640. Mr. Maynard reported from the Committee of Privileges, the case of Bramber, in Sussex.

Resolved, upon the question, "That the election of Sir Edward Bishop, for one of the burgesses for the borough of Bramber, is void."

"That the election of Mr. Anslow for one of the burgesses for the borough of Bramber is void."

"That Sir Edward Bishop is incapable of any election, to be a member of this House for this Parliament."

1661. Double return.

May 17. Sergeant Charleton reported from the Committee of Privileges and Elections, 'That John Byne and Pierce Goreing, esqrs., are returned by one indenture; and the said John Byne and John Parsons, esqrs., by another.—Opinion of the committee, 'That Mr. Goreing being returned by the proper officer, ought to sit, until the merits of the said election be determined.—Never heard.

April 1, 1690. A petition of William Stringer, against the return of Dr. Barbon and Dr. Ratcliff.—No report.

Dec. 12, 1698. A petition of John Hudson and Jerom Beale, complaining of an undue return

of Sir Henry Furnese, by bribery and other indirect means.

This petition does not appear to have been heard, but we apprehend it was for the following reason :

Feb. 13, 1698. The House of Commons made inquiry in regard to the members taking places contrary to the statute of the tenth year of his then Majesty's reign ; and ordered Sir Henry Furnese, bart., a member for this borough, to attend in his place the next morning.

— 14th. Sir Henry Furnese attending, according to order, was heard in his place and withdrew.

Resolved, “ That Sir Henry Furnese, being a member of the House of Commons, and having since been concerned, and acted, as a collector and manager upon the act made in the 9th and 10th years of his Majesty's reign, for raising a sum, not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds per cent per annum ; and for settling the trade to the East Indies, contrary to the act made in the 5th and 6th of his Majesty's reign, for granting several duties upon salt, beer, ale, and other liquors, be expelled this House.”

Feb. 25, 1700. A petition of John Asgill, esq., against the return of Thomas Owen, esq.

Resolved, “ That it appears to this House, that there have been many indirect and corrupt practices, in order to procure an election at the said borough of Bramber.”

Resolved, “ That it appears to this House, that there have been endeavours and tampering with the

witnesses, in relation to the evidence to be given concerning the corrupting the electors for the said borough."

Resolved, "That Mr. Lawton is guilty of tampering with the witnesses, and endeavouring to suppress the evidence to be given concerning the corrupting the electors of the said borough."

Ordered, "That Mr. Lawton be, for his offence, taken into the custody of the sergeant at arms."

Resolved, "That it appears, that Mr. Alexander Cutting hath endeavoured, by bribes, and other indirect practices, to corrupt the electors of the said borough."

Ordered, "That Mr. Alexander Cutting be, for the said offence, taken into the custody of the sergeant at arms."

Resolved, "That it appears to this House, that Samuel Shepherd, sen., esq., is guilty of several unwarrantable and indirect practices, in order to obtain an election of a member to serve in Parliament for this borough."

Resolved, "That Samuel Shepherd, sen., esq., is guilty of sending out of the way a witness, and endeavouring to suppress evidence, touching matters under examination of this House."

March 14th, 1700. Samuel Shepherd charged with matters of the same kind at Malmsbury and Ilchester, Wotton-Basset, Andover, and Newport, in Hants.

— 18th. Ordered, "That the said Samuel Shepherd, sen., esq., be committed prisoner to his Majesty's Tower of London."

March 25. The sergeant at arms acquainted the House that Mr. Alexander Cutting, who was ordered into custody, in relation to this borough, had absconded.

Resolved, "An address to the King for a proclamation for apprehending him."

Resolved, "That it appears to the House, Mr. William Clifton hath endeavoured, by bribery and other corrupt practices, to procure an election of members of Parliament for this borough."

Ordered, "The said Mr. Clifton be, for his offence, taken into the custody of the sergeant at arms."

Jan. 8, 1701. A petition of John Asgill, esq., complaining of an undue return of Thomas Owen, esq.—Never heard.

Nov. 29, 1703. A petition of Thomas Viscount Windsor, of the kingdom of Ireland, complaining of an undue return of John Middleton, esq.

Jan. 18, 1804. Mr. Bromley reported, That the right of election was agreed to be in the persons inhabiting in ancient houses, or in houses built upon ancient foundations, paying scot and lot.

Resolved, "That John Middleton is not duly elected."

And, "That the late election is a void election."

Feb. 12, 1704. A petition of Lord Viscount Windsor against the return of Samuel Sambrook, esq.

— 21. A petition of Richard Finch, and other burgesses, complaining of the undue return

of Samuel Sambrook, esq., by bribery and other indirect practices.

Resolved, "That Samuel Sambrook, esq., is duly elected."

Nov. 3, 1705. A petition of William Penn, esq., complaining of an undue return of Lord Windsor and Mr. Asgill.—Dec. 7. Petition withdrawn.

Nov. 10, 1706. Mr. Speaker acquainted the House that he had read a letter from John Asgill, a member for the borough of Bramber, dated from the Fleet prison, complaining that he was detained from attending the service of the House by means of two judgments executed upon him, and other mesne process. Ordered a committee to search precedents what has been done for the discharge of any member in the like case. Dec. 16, the committee made their report, and the House ordered, "That John Asgill, esq., detained in the prison of the Fleet, ought to have the privilege of this House as a member thereof."

Resolved, "That John Asgill, esq., be delivered out of the custody of the warden of the Fleet, to attend the service of the House."

Resolved, "That John Asgill, esq., be delivered from such custody by sending the sergeant at arms attending this House, with the mace, to bring him into the service of the House. He was accordingly discharged out of custody, and expelled the House for his writings, Dec. 18, 1706."

In 1708, Thomas Viscount Windsor and Wm. Shippen, esq., were found duly elected.

It having been observed that there was a peti-

tion delivered relating to the election of 1710, the same was read; but it appearing that there was no other candidate besides Lord Windsor and Andrew Windsor, esq., ordered, Nov. 30, 1710, a new writ to be issued in the room of Lord Windsor, who had made his election for the county of Monmouth.

June 1, 1715. Sir Thomas Stiles, bart., was declared not duly elected. In 1728, John Gumley, jun., esq., was found not duly elected.

In 1768, Thomas Thoroton and Charles Ambler, esqrs., petitioned against the election of Edward, Earl of Winterton, and Chas. Lowndes, esq. This election was tried at the bar, when the committee found the sitting members not duly elected, and the petitioners duly elected, and ought to have been returned; to which the House agreed.

CORPORATION.

None.

RIGHT OF ELECTION

In the persons inhabiting ancient houses, or in houses built on ancient foundations, paying scot and lot.—January 18, March 10, 1703.—June 1, 1715.

NUMBER OF VOTERS—20.

RETURNING OFFICER—the Constable.

PROPRIETORS—Duke of Rutland and Lord Calthorpe.

POLITICAL CHARACTER.

This borough, which consists only of twenty-two miserable thatched cottages, is composed of

two intersections of a street, the upper and middle parts of which constitute the borough of Steyning. The Duke of Norfolk is lord of the manor in both places; and the constables, who are the returning officers in each borough, are chosen at his courts-leet; but the cottages, which are burgage-holds, and give the right of voting to the tenants, are one half of them the property of the Duke of Rutland, and the other of Lord Calthorpe, who, since the year 1786, have each agreed to send one member.

Bramber, which is an ancient borough by prescription, is divided into two parts; the north part joining to Steyning, which is half a mile from the south division, and called Bramber-street. From the year 1298 to 1472 it was joined with Steyning in the writs for electing burgesses to serve in Parliament; since which time they have elected as different boroughs. It is governed by a constable, annually chosen by a jury of the court-leet.

MIDHURST.

MIDHURST is a borough, market-town, and parish in the hundred of Westbourne, rape of Chichester, Sussex, 12 miles from Chichester, and 51 from London; containing 182 houses, and 1,073 inhabitants, of whom 194 were employed in trade, &c. It is pleasantly situated on the banks of the river Arun. The market is on Thursday. Fairs, 5th of April, Whit-Tuesday, and 29th of November.

REPRESENTATIVE HISTORY.

This borough has sent members to Parliament from the 4th of Edward the Second. They were elected in the county court in the 2d of Henry the Fifth.

PETITIONS, &c. Jan. 6, 1640. Upon Mr. Maynard's report, it was resolved upon the questions, "That Mr. Thomas May and Dr. Chaworth, elected for this borough, shall sit till the election be avoided."

Feb 15, Resolved, "That Mr. Cawley and Mr. May are well returned."

Dec. 12, 1698. A petition of Sir Henry Peachy, knight, complaining of an undue return of Sir William Morley.—Petition withdrawn.

In 1708, Robert Orme, esq., was declared not duly elected: his seat was taken by Thomas Meredyth, esq.

Dec. 5, 1710. A petition of Thomas Meredyth, esq., complaining of an undue return of Robert Orme, esq.—No report.

J. H. White, esq., petitioned, and the merits of the election were tried, when on Feb. 6, 1804, the Right Hon. Thomas Grenville, chairman of the committee, reported to the House, that the sitting member was duly elected, and that the petition of J. H. White, esq., was frivolous and vexatious.

RIGHT OF ELECTION

In the Burgage-holders.

NUMBER OF VOTERS—100 nominally, actually only one.

RETURNING OFFICER—the Bailiff, appointed by the proprietor.

PROPRIETOR—Lord Carrington.

POLITICAL CHARACTER.

This nominal borough is a companion to Old Sarum, for though there is neither house nor inhabitant at that place, the nomination of members of Parliament is the same in both.

Midhurst has one hundred and eighty-two houses, but not one solitary voter. The appointment of members, for it cannot be called the election of them, is, at Old Sarum, vested in the Earl of Caledon, as purchaser of seven small plots of ground called burgage-holds, and here the same power of making members of Parliament is vested in Lord Carrington without any land at all.

The right of voting at Midhurst was in one hundred and twenty freeholds, which having been purchased up, the houses and land constituting these freeholds were again sold upon lease for nine hundred and ninety-nine years, retaining the nominal freehold, which fictitious character gives the right of nominating two members for the borough of Midhurst. These freeholds were the property of Lord Montague, and by him sold to the present Earl of Egremont, who sold them again to Lord Carrington.

The ceremony of election is performed here by one person, Mr. Tyler of Petworth, deputed by the proprietor for that purpose, the inhabitants of the town of Midhurst having no more concern in

choosing the members than as many foreigners, though they pay all the taxes and serve all public offices.

We cannot understand how the members for this place can be considered as representatives of the people, when there is not so much as one solitary individual existing within the precincts of the place to make a constituent body. If the voice of the nation is only to be heard in the House of Commons, how can that possibly happen, unless it be its real representative? And whether we are governed contrary to our inclinations, or by persons to whom we have given no such commission, we are equally an enslaved people. The above instance is a sufficient conviction of the mockery of our representation, and of the want of some immediate radical cure for so great an evil.

EAST GRINSTEAD.

EAST GRINSTEAD is a borough, market-town, and parish in the hundred of Rustmondon, and rape of Pevensey, Sussex, is 19 miles from Croydon, and $28\frac{1}{2}$ from London; containing 381 houses and 2,659 inhabitants, of whom 245 were returned as being employed in trade and manufacture. Its market is held on Thursdays, chiefly for corn; and its fairs are on the 21st April, 13th July, and 11th December.

REPRESENTATIVE HISTORY.

This borough has returned members to Parliament from the 1st of Edward the Second.

PETITIONS, &c. Feb. 9, 1625. Mr. Speaker moved, that Mr. Attorney-general returned for this borough and mentioned the order. 12 Jacobi.

Feb. 10. A new writ ordered for a burgess in the room of Sir Robert Heath, his Majesty's Attorney-general.

April 16, 1640. A petition for this borough ordered to be heard.

April 24. Complaint against Mr. Goodwyn's election. The election belongs to the free burgage-holders only. Mr. Goodwyn got an election by the inhabitants.

Sir Henry Compton, by the judgment of the committee, clear and well elected, and well returned. Mr. White had 13 voices; Mr. Goodwyn had 14 voices. Objection, a feoffment made by Mr. Goodwyn, which did multiply voices. Mr. Goodwyn affirmed, the inhabitants, as well as the burgage-holders, had right of election. Indenture produced to prove this: one, of Queen Mary—Elizabeth—Edward IV.—Henry VIII.

Committee of opinion, The right of election original.

Committee of opinion, Mr. Goodwyn well elected, and well returned; and fit member to sit in this House; to which the House agreed.

March 19, 1678. A petition of several of the inhabitants of this borough, complaining of an undue return of two persons made by the bailiff of this borough, not elected by the inhabitants, and refusing to return Henry Powle, esq., whom the petitioners did duly elect.

A petition of William Scroggs, complaining of an undue return of Edward Sackville, esq.

April 7, 1579. After much debate, the committee resolved, "That this borough is an ancient borough by prescription."

Resolved, "That the inhabitants, as well as the burgage-holders of this borough, have right to vote in elections of members to serve in Parliament for the said borough." And upon debate and consideration that Mr. Scroggs had not petitioned against Mr. Pelham,

Resolved, "That Mr. Scroggs' counsel and witnesses shall not be called in to be heard against Mr. Pelham."

Resolved, "That Edward Sackville was not duly elected."

Resolved, "That Henry Powle, esq., is duly elected."

Nov. 3, 1680. A petition of the burgesses.—
No report.

May 23, 1685. A petition of John Conyers, esq., complaining of an undue return of Simon Smith and Thomas Jones, esqrs.

Jan. 22, 1688. Another petition of same.

March 27, 1689. Colonel Birch reported, that the question was, whether burgage-holders alone, or the inhabitants, as well as the burgage-holders, had the right of election?

Upon the whole the committee resolved,

"That it is the opinion of the committee, that the burgage-holders alone within this borough have not the right of election of members to serve in Parliament for this borough."

Resolved, "That the Inhabitants, as well as the Burgage-holders of this borough, have right to

vote in elections of members to serve in Parliament for this borough."

Resolved, "That Sir Thomas Dyke, bart., is not duly elected."

Resolved, "That John Conyers, esq., is duly elected."

These resolutions were, upon the second reading, every one of them disagreed to by the House.

Nov. 25, 1695. A petition of the Right Hon. Lionel, Earl of Orrery, &c., against the return of Sir Thomas Dyke and John Conyers, esq.

A petition of Spencer Compton, esq., to the same effect.

A petition of many of the burgesses and inhabitants to a similar effect.

Jan. 9. Mr. Solicitor-general reported, the committee had examined the merits of the election; that the petitioners insisted the right of election to be in the inhabitants and burgage-holders paying scot and lot, of whom the Earl of Orrery and Mr. Compton had the majority; and also, if in the burgage-holders only, they were elected by the majority.

Upon the whole the committee resolved, "That the right of election of burgesses to serve in Parliament for the said borough, is not in the burgage-holders and inhabitants of the said borough."

Resolved, "That the right of election of burgesses to serve in Parliament for the said borough is in the Burgage-holders only."

Resolved, "That Sir Thomas Dyke, bart., and John Conyers, esq., are duly elected."

Nov. 24, 1708. A petition of John Conyers,

esq., complaining of an undue return of Henry Campion, esq., by threats, and other undue practices.—Petition withdrawn.

Nov. 29, 1802. John Frost, esq., petitioned against the return of Sir Henry Strachey, bart., and Daniel Giles, esq. Dec. 1, 1802. Several electors also petitioned. A committee to try this case was appointed March 17, 1803. Mr. Frost in his petition alleged, 1. That the right of election of East Grinstead is in the inhabitants paying scot and lot, as well as in the freeholders of the borough. 2. That a majority of legal voters polled for the petitioner. 3. That the returning officer admitted several illegal, split, and occasional votes in favour of the sitting members, and rejected many legal votes tendered for the petitioner. 4. That the sitting members had procured their return by many undue, illegal, and unwarrantable practices. The other petition contained nearly similar allegations. At the request of the petitioner, by the consent of the sitting members, and with the leave of the House, the committee adjourned from the 26th to the 31st of March, on account of the illness of a witness called on the part of the petitioners. The sitting members were afterwards found duly elected, and the petition was declared frivolous and vexatious.

CORPORATION

None.

RIGHT OF ELECTION

Is in the Burgage-holders only, and not in the Burgage-holders and Inhabitants.—Feb. 9, 1695.

It had been previously resolved, (April 7,

1679,) That East Grinstead being an ancient borough by prescription, the inhabitants, as well as the burgage-holders of the said borough, have a right to vote. On March 27, 1689, the committee came to the same resolution, but upon the question, That the House doth agree with the committee in the said resolution, it passed in the negative, *nem. con.*

NUMBER OF VOTERS—36.

RETURNING OFFICER—the Bailiff appointed at the annual court of the Duchess of Dorset.

PROPRIETOR—Duchess of Dorset.

POLITICAL CHARACTER.

This is another burgage-tenure borough, where the right of nominating the members is in thirty-six burgage-holds, twenty-nine of which are the property of the Duchess of Dorset, and the remaining seven belong to individuals.

At the trial of the petition of John Frost, esq., in 1803, it appeared that none of the grantees holding these tenures for the Duchess were allowed to have possession of their deeds except Mr. Gilbert, and Mr. Hoper of Lewes; the former the steward, and the latter the deputy steward of the estate. The deeds were brought in a bag to the place of election by the agent of the Duchess of Dorset, and carried back by him in the same manner. But at the election the title of the voter was admitted as it stood on the court roll by the returning officer, who was appointed at the court-leet of the Duchess.

These votes were objected to on the ground of occasionality and fraudulent conveyances, but the

committee determined the sitting members duly elected.

The representation of this borough is merely nominal, like Midhurst and all the other boroughs of this description.

It appears that out of twenty members sent to Parliament from the county of Sussex, twelve are sent by immediate nomination, six by influence of peers, and only two by free election.

WARWICKSHIRE.

WARWICKSHIRE is an inland county of England, bounded on the north-east by Leicestershire, on the east by Northampton, on the south-east by Oxford; on the south-west by Gloucester; on the west by Worcestershire; and on the north-west by Staffordshire, being in length about 50 miles, and in breadth 35. It contains 984 square statute miles, equal to 639,760 square acres, of which about 154,530 acres are in a constant course of tillage; having 190,000 acres arable, and 300,000 pasturage. It is divided into four hundreds, viz. Barlichway, Hemlingford, Kineton, and Knightlow, besides the liberties of Coventry: containing one city, Coventry; one borough, Warwick; and eleven other market-towns, viz. Atherstone, Alcester, Birmingham, Coleshill, Henley, Kineton, Nuneaton, Rugby, Southam, Stratford-

on-Avon, and Sutton Coldfield; and 139 parishes, containing 40,847 houses, and 208,190 inhabitants, viz. 99,942 males, and 108,248 females; of whom 91,922 were returned as being employed in trade, handicraft, and manufacture, and 34,756 in agriculture. The amount of money raised for the maintenance of the poor, in 1803, was 155,205*l.* being at the rate of 4*s.* 8*d.* in the pound; amount of assessment under the property-tax, 1805, 1,901,390*l.* and the average scale of mortality for ten years, appears to have been as one to 48½ of the existing population. Warwickshire is included in the midland circuit, the province of Canterbury, and diocese of Litchfield and Coventry, and sends six members to Parliament.

REPRESENTATIVE HISTORY.

This county has been represented in Parliament from the 22d of Edward the First.

PETITIONS, &c. March 20, 1627. Ordered, That the sheriff of this county be forthwith sent for by the sergeant at arms attending this House, by warrant directed to him under the Speaker's hand, for not returning the knights of the shire, who have long since been elected.

Nov. 9, 1640. An humble petition of the freeholders of this county, complaining of a misdemeanor of Mr. George Warner, the high-sheriff of the county, by refusing to go on with the poll when it was desired, at the election of the knights of the shire.

Resolved, "That Mr. Warren, for his offence, be committed to the Tower during the pleasure of

this House, and be fined 100*l.* to the King, and make a submission here, such as the House shall appoint, and shall make the like at the next general assizes in this county."

Upon the question of making void the election for the knights of this county, it was resolved,

"That the elections of Mr. Coomes and Lord Compton as knights of the shire are void."

March 28, 1689. A petition of Edmund Clark and others, on behalf of themselves and the major part of the freeholders of this county, complaining of undue practices and illegal proceedings in the high-sheriff and under-sheriff at the election, by refusing to take the petitioners' polls for John Stratford, esq.—No report.

April 2, 1690. A petition of the freeholders of this county, complaining of an undue return of Andrew Archer and William Bromley, esq., by the high-sheriff: and stating that Sir John Burgoyne and Sir Richard Newdigate were duly chosen; but the high-sheriff, to frustrate such election, suffered divers abuses and irregularities to be committed, not only in beating and wounding several that came to vote for Sir John Burgoyne and Sir Richard Newdigate, but serving them so likewise, even to the hazard of Sir Richard's life.—No report.

POLITICAL CHARACTER.

This county, from the opulence and extent of its manufactories, is independent in a great degree of aristocratic control; but it has been the last in the kingdom to emancipate itself from high church bigotry, and that spirit of persecution, which, in

proportion to the increase of learning and science, is now becoming exploded in every part of Europe.

The disgraceful riots in this county, in 1791, is a humiliating proof to the people of this county, that they do not take the lead in the extinction of prejudice, or in the advancement of literature, the inseparable companions of each other's progress.

The town of Birmingham, from its extent and population, has sufficient weight to return one of the county representatives, which the people of that place never fail to avail themselves of, notwithstanding the indifference that is affected to be shewn by some leading individuals to the advantages they would derive from a perfect representation.

No place in this kingdom suffered more from the operation of the orders in council than the towns of Liverpool and Birmingham, or were more unanimous in their exertions to obtain their repeal; but at the ensuing general election in 1812, we saw the former town elect the very man who had caused their enactment, and the freeholders of Warwickshire, connected with Birmingham, supported the re-election of the member who voted against their petitions. This appears to be a gross inconsistency of conduct in both places, but when it is considered how little interest the persons who possess the exclusive right of voting in these towns have in the concerns of the inhabitants at large, we find the cause in the defective state of the representation. The freemen of Liverpool who

resides in London, or the Warwickshire freeholder who resides not in Birmingham, cannot feel for the perishing commerce of one, nor for the ruined manufacture of the other. The inhabitant-householder is the person who suffers: it is the inhabitant-householders who form the town; it is the combination of them who form the state. It is they who pay the taxes, and serve all the public offices in the country; and it is the householders at large of the united kingdom who, according to our ancient constitution, are entitled to be represented in Parliament. These divided into equal districts, and polled in their respective hundreds, might, as they do in America, elect their members in one day, without riot, expense, or confusion. The most wealthy could not corrupt such a body. There would be no petitions against undue returns, or trials to ascertain the absurdity of local privileges. The inherent right of all would be exercised by all, and the House of Commons would then represent, as they ought to do, the whole Commons of the United Kingdom.

WARWICK.

WARWICK, the county town of Warwickshire, is in the hundred of Knightlow, on the banks of the Avon, near the center of the county, seven miles from Stratford, eight from Coventry, and 91 from London; containing 1,010 houses and 5,592 inhabitants, viz. 2,619 males, and 2,973 females, of whom 868 were returned employed in trade.

The cellars are all cut out of the solid rock, on which this town stands, and in many of them are stone reservoirs for holding the water, which is conveyed by pipes from a conduit half a mile distant. The market on Saturday. Fairs, 1st Saturday in Lent, 1st Monday before 5th April, 12th May, 5th July, 2d Monday in August, 4th September, 12th October 8th November, and the Monday before St. Thomas'-day.

REPRESENTATIVE HISTORY.

This was a borough at the time of the General Survey ; and returned burgesses to Parliament in the 23d of King Edward I. It was since made a mayor-town by Queen Mary. The burgesses were chosen by deputation in the county court, in the 7th and 17th of Edward IV.

PETITIONS, &c. June 21, 1625. Sir Thomas Puckering delivered a petition from this borough.

May 31, 1628. Mr. Hackewill reported from the Committee of Privileges, &c., the case for this borough. Question, Whether the election to be made by the mayor and common-council, or by the commons in general.

Upon question, "The right of election for this town belongeth to the commonalty."

"That Sir Robert Grevyll and Mr. Francis Lucy are unduly elected."

"That a new writ do issue."

Feb. 18, 1640. Resolved, upon the question, "That Godfrey Bosevill, esq., shall sit as a member of this House for this town till his election be further questioned and determined; and that all

indentures, writs, and certificates, be taken off the file, except that indenture returned by the bailiffs to the sheriff."

March 24, 1689. A petition of Richard Booth and James Booth, esqrs., complaining of an undue return of the Hon. William Lord Digby and William Colemore, esq.—No report.

Dec. 21, 1710. A petition of the Hon. Algernon Greville, esq., complaining of an undue return of the Hon. Charles Leigh, esq., by bribery, treating, and other indirect practices.

A petition of several of the principal burgesses to the same effect.—No report.

March 30, 1715. A petition of Joseph Moxon, esq., complaining of an undue return of Dodington Greville and Wm. Colemore, esqrs.—No report.

In 1721, Henry Delves, esq., petitioned against the return of Sir William Keyte, who was voted duly elected.

Jan. 22, 1722. Resolved, "That the right of election is in such persons only as pay to church and poor rates in the said borough.

In 1735, Sir William Keyte and William Bromley, jun., esq., were declared not duly elected, and their seats were filled by Thomas Archer and Henry Archer, esqrs.

In 1792, Robert Knight, of Barrells, in the county of Warwick, esq., and several of the electors, petitioned against the election of the Hon. George Villiers. The petition was renewed the third session. On Feb. 18, 1793, the chairman of the committee that tried this contested election reported to the House, that the sitting member

was duly elected; and after hearing counsel for several of the electors, and for the sitting members, each party of whom had given in a statement of what was deemed the right of election, the committee determined, that, pursuant to the last determination of the House of Commons, (May 31, 1628,) the right of election to serve in Parliament for the borough of Warwick is in such persons only as pay to church and poor of the said borough, whether inhabitants or not.

CORPORATION.

This is a very ancient corporation, being made a mayor-town by Queen Mary, in the year 1554, and re-incorporated by King Charles II., under whose charter it is at present governed by a mayor, a recorder, 12 aldermen or brethren, and 24 burgesses or common-councilmen.

RIGHT OF ELECTION.

May 3, 1628. Is in the commonalty of the said town.

Jan. 31, 1722. Is in such persons only as pay to church and poor in the said borough.

NUMBER OF VOTERS—500.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Warwick, one member.

POLITICAL CHARACTER.

The right of election of this town, according to the first resolution of the House of Commons, in 1628, was in the commonalty, which in the cases of Colchester, Boston, Bridport, and this place,

has been explained to be housekeepers paying scot and lot; though, in the case of Pool, the same word was defined to be the select burgesses only. There have been frequent struggles here for superiority between the Earl of Warwick, of Warwick-castle, adjoining to this town, and the independent party. In 1780 and 1784, the Hon. C. F. Greville and Robert Ladbroke, esq., were returned to represent this town in Parliament, in opposition to his lordship's interest. At the general election, however, in 1790, those gentlemen conceived that the Earl of Warwick's influence had increased to a great degree; in consequence of which they were induced to decline an opposition to it, which would have been attended with the certainty of much expense, and the uncertainty of being finally successful. From that period to the general election in 1802, his lordship nominated both members, but Charles Mills, esq., was returned by the independent party in that year, and has continued to represent it ever since.

COVENTRY.

COVENTRY is a city of Warwickshire, 16 miles from Birmingham, and 92 from London; containing three parishes, 2,930 houses, and 16,034 inhabitants, being 7,672 males and 8,362 females, of whom 7,002 were returned as being employed in various trades and manufactures. This city has now little trade except ribbon-weaving, which is performed by engines, worked by women and girls. Its

market is on Fridays ; and its fairs on the 2d of May, Friday in Trinity week, and November 1. The first and last continue three days each, and the second eight days, called the *Show Fair*.

REPRESENTATIVE HISTORY.

This city was incorporated by King Edward III., and their liberties were greatly increased by Richard II., in the year 1404. The Parliament called the *Parliamentum in doctorum* was held here ; King Henry VI. made it a county of itself, and appointed the bailiffs to be sheriffs of the said county for ever. It has returned representatives to Parliament from the 26th during the whole reign of King Edward I., as appears by the list in Dr. Thomas's edition of Dugdale's History of Warwickshire ; but intermitted (except 8th Edward II., and 20th and 27th Edward III.) until 31st Henry VI., from which time it has generally returned as other boroughs.

PETITIONS, &c. March 24, 1627. A petition from Coventry upon a double return, one sheriff returning two gentlemen of the county elected by the major part, and the other sheriff returning two citizens resident in the city, the two gentlemen not resident nor free of the city.

April 9. Mr. Hackewill reported from the Committee of Privileges the case of Coventry. Two indentures returned ; by one, Mr. Isaac Walden, and by the other, Mr. Green and Mr. Puresey, gentlemen of worth, but no inhabitants nor freemen.

All freemen electors, and no other. Upon warning, about 600 appeared.

Resolved: "Mr. Green and Mr. Puresey well elected."

March 20, 1678. A petition of Robert Fielding, esq., complaining of unjust and unwarrantable practices used by the sheriffs of this county and city, in returning Major Beake and Richard Hopkins, esq.—No report.

March 24, 1689. A petition of Thomas Gery, esq., complaining of an undue return of Richard Hopkins and John Stratford, esqrs., by partiality of the sheriffs, &c.—No report.

Dec. 12, 1698. A petition of Thomas Hopkins, esq., complaining of an undue return of Sir Christopher Hales.

A petition of Thomas Gery, esq., complaining of an undue return, by partiality of the sheriffs, &c.—No report.

Jan. 3, 1701. A petition of Sir Christopher Hales, bart., complaining of a double return.

— 7. A petition of several of the freemen of the city of Coventry on behalf of the major part of the freemen of the said city.

A petition of Henry Neale, esq., complaining of a double return, &c.

— 15. A petition of several of the freemen, &c.

Feb. 24. Sir Rowland Gwyn reported the matter upon the several petitions as follows:

That on the poll there were—

For Sir Christopher Hales777

Mr. Hopkins771

Mr. Neale754

Mr. Gery615

That the counsel for Sir Christopher Hales insisted that the right of election was in the freemen not receiving alms or charity.

The counsel for Mr. Neale insisted the right of election was in all the freemen, whether they received alms or no.

And the committee having heard what was alleged on both sides, resolved:

“That the freemen of Coventry receiving alms or charity have no right to vote at the election of citizens to serve in Parliament for the said city of Coventry.”

“That it was agreed on both sides, that no person could be a freeman, but by serving an apprenticeship seven years, within the said city of Coventry, to one of the same trade.”

Hereupon many witnesses were heard as to disqualifications, bribery, threats, rioting, &c., &c.

Report—The hearing of this cause having taken up seven nights, the committee resolved:

“That Sir Christopher Hales, bart., is duly elected.”

Resolved, “That Mr. Abraham Owen and Mr. John Collins, the sheriffs of the said city, are guilty of a false and double return, and of divers indirect practices in the late election for this city.”

Ordered: “That they be taken into the custody of the sergeant at arms.”

Resolved: “That Mr. Edward Owen, under-sheriff, is guilty of illegal and partial proceedings; and ordered that he be taken into custody in like manner.”

Nov. 13, 1705. A petition of several freemen

of this city, complaining of an undue return of Sir Christoper Hales and Thomas Gery, esqrs.

Dec. 4, 1706. Another petition of several freemen of this city, complaining of great riots, &c.

After much debate, and many witnesses heard, the committee resolved, "That Sir Christopher Hales and Thomas Gery, esq., are not duly elected."

"That the late election is void."

Resolved: "That it appears to the House, that there has been a notorious riot and tumult, and other illegal practices, at the election of citizens to serve in this present Parliament for this city, in contempt of the civil authority, and violation of the freedom of elections."

April 23, 1707. A petition of several freemen of this city, complaining of an undue return of Sir Orlando Bridgman and Mr. Hopkins.

March 1, 1709. Robert Craven, esq., having petitioned against the election of Sir Orlando Bridgman and Edward Hopkins, esq., the sitting members were declared duly elected.

In 1710, several freemen petitioned. Resolved: "That the members of the company of fullers, and such freemen as do not receive alms or weekly charity, and have served seven years' apprenticeship within the city or suburbs, have a right to vote."

March 5, 1713. A petition of several freemen of this city, in behalf of themselves and many hundreds, complaining of an undue return of Sir Christopher Hales and Sir Fulwar Skipwith, by

several indirect practices by the said candidates and their agents, and by great riots, &c.

No report.

March 30, 1715. A petition of Sir Christopher Hales and Sir Fulwar Skipwith, bart., against the return of Sir Thomas Samwell and Sir Adolphus Oughton.—No report.

Glenbervie,
v. ii. p. 151,
155.

20 Journ.
p. 60.

October 28, 1722. Fulwar Craven, esq., and Sir Fulwar Skipwith, bart., petitioned against the election of Sir Adolphus Oughton, bart., and John Neale, esq.

On a hearing, Resolved Nov. 20, “That it appears to this House, that there were notorious and outrageous riots, tumults, and seditions, at the late election of citizens to serve in Parliament for the city of Coventry, in defiance of the civil authority, and in violation of the freedom of elections, caused by the friends and agents of the petitioners, who were the authors, contrivers, and promoters of the said riots, tumults, and seditions.”

Resolved: “That it appears to this House that Charles Buggs was one of the principal contrivers and promoters of the riots, tumults, and seditions, at the late election of citizens to serve in Parliament for the city of Coventry.”

Then followed an order for taking him into the custody of the sergeant at arms, and similar resolutions and orders relating to eight other persons by name.

Resolved, “That the late election is a void election.”

A new writ was ordered the next day, and Sir Adolphus Oughton and John Neale, esq., were again returned, and Fulwar Craven, esq., and Sir Fulwar Skipwith again petitioned.

The petition was renewed the second session, and afterwards withdrawn.

In 1787, Lord Euston and Fulwar Craven, esq., severally petitioned against the election of John Neale, esq. The latter withdrew his petition; and when that of Lord Euston was taken into consideration, it was resolved, March 22, "That it appears to the House that there was a great riot and tumult at the said election, and that the election is void." A new writ was ordered in the room of John Neale, esq., and John Bird, esq., who was made a commissioner of the Stamp-office; upon which John Neale, esq., and Lord Euston were elected without opposition.

A singular case occurred at the election for this city in 1780. Mr. Roe Yeo and Mr. Holroyd were candidates in the interest of administration; and Sir Thomas Halifax and Thomas Rogers, esq., were supported by the corporation of Coventry, in opposition to those gentlemen. On the 9th day of September the election commenced, and the poll was opened and conducted in a peaceable and orderly manner for about the space of half an hour, when upwards of five hundred persons, who were not freemen or inhabitants of this city, tumultuously assembled together at the place of election, with a blue flag carried before them, and having blue and white cockades in their hats, the badges by which the party of Roe Yeo and Holroyd were

distinguished, and there beat and ill-treated all the electors who came to vote for Halifax and Rogers, and so impeded and obstructed the voters, that the sheriffs adjourned the poll to the Monday following, being the 11th day of the said month of September, and continued the same by divers adjournments, from day to day, to the 18th of the said month, in order that the said election might be made; but the poll was impeded, from time to time, by like tumults and assaults; and though the magistrates had appointed 230 additional constables to preserve the peace, and to open a free access for the voters on both sides to come and poll, yet no more than 83 out of 2,000 could give their votes: for which reason the sheriffs could not cause to be elected two citizens, according to the form and effect of the writ.

The sheriffs having certified the above to the House of Commons on the 6th day of November following, they were ordered to attend the House on the 23d of the same month.

A petition of Sir Thomas Halifax and Thomas Rogers, esq., of similar import was presented to the House on the 20th of the same month, which was ordered to be taken into consideration on the same day that the sheriffs were to attend, as was another petition of certain electors in the interest of Sir Thomas Halifax and Mr. Rogers.

A petition of Edward Roe Yeo, esq., and John Baker Holroyd, esq., was also presented on the same day, stating, that the sheriffs, who are chosen by the mayor and aldermen, and were the declared friends and partisans of their opponents, Sir Tho-

mas Halifax and Thomas Rogers, esq., had shewn the most flagrant partiality to those gentlemen, by constructing the poll-booth in such a manner as to allow a commodious access, through the mayor's parlour, to the voters in the interest of Halifax and Rogers, while the agents and friends of the petitioner were obliged to ascend by a ladder; and enumerating a variety of other charges, to shew the gross partiality and illegal conduct of the sheriffs.

This petition was also ordered to be taken into consideration with all the former. A new writ having been issued on the 21st of November following, petitions were again presented from Mr. Roe Yeo and Mr. Holroyd, complaining, that in the interval of time between the general election and the 29th day of November, when a second election was had in pursuance of the above writ, a great number of freemen were illegally admitted to the freedom of the said city, who had no right to such freedom, and without paying the usual fees on admission, on condition of their undertaking to vote at the said election for Sir Thomas Halifax and Thomas Rogers, esq., and that a great number of persons duly entitled to be admitted to the freedom of the said city, demanded in the usual manner to be so admitted, being ready to produce the evidence of their titles, and to pay the usual fees, but were refused to be admitted, because they were believed to be in the interest of the petitioners; and that, at the said last election, after the poll had lasted near three weeks, almost all the legal freemen having then voted, and when it

was known that there would be a large majority of votes in favour of the petitioners, a great number of persons were, on Monday the 18th and Wednesday the 20th of December last, in a fraudulent and clandestine manner, admitted to the freedom of the said city, although the said persons had no title to such freedom, and were known, by the members of the corporation, who composed the council-chambers at which they were admitted, to have no title, and without paying the accustomed fees, or any fees, on condition of their voting for the said Sir Thomas Halifax and Thomas Rogers, esq.

The above petition also contained the usual allegations of the returning officers, admitting these freemen to poll who were not duly qualified, and rejecting others who were so qualified; and of the said candidates, Sir Thomas Halifax and Thomas Rogers, esq., having, by themselves or agents, been guilty of bribery, &c.

A similar petition was presented from several of the freemen in the interest of Mr. Roe Yeo and Mr. Holroyd, which were both ordered to be taken into consideration on Thursday the 15th day of February, 1781.

On the 31st of January, 1781, Thomas Noxon and Thomas Butler, late sheriffs of Coventry, were brought to the bar of the House of Commons, and had leave to be heard by counsel in their justification.

A petition of Edward Roe Yeo, esq., and John Baker Holroyd, (now Lord Sheffield, of the kingdom of Ireland,) and also of several freemen of the

city of Coventry, on behalf of themselves and others, complaining of the conduct of the said sheriffs, being read to the said Thomas Noxon and Thomas Butler, leave was given them to be heard by counsel against the charges in the said petition, and the counsel for the petitioners ordered to proceed in support of the allegations of their petition.

Orders were made for sixty-nine witnesses to attend in support of the charges against the sheriffs; and the matter had a full investigation, after various adjournments, on the 15th of March, 1781; when the order of the day being read for the attendance of Mr. Thomas Noxon and Mr. Thomas Butler, late sheriffs of the city of Coventry, and for taking into further consideration the several petitions presented to this House upon the 20th day of November last, relating to the return made by the said sheriffs at the last general election;

The said sheriffs, and the counsel for Lord Sheffield and Mr. Roe Yeo, and for the several freemen of the city of Coventry, who have petitioned this House, complaining of the conduct of the said sheriffs, were called in;

And the sheriffs acquainted the House, That the counsel they had applied to had not time to prepare himself to undertake their defence.

Then one of the counsel for Lord Sheffield and Mr. Roe Yeo, and for the several freemen of the city of Coventry, who have petitioned this House, complaining of the conduct of the said sheriffs, summed up their evidence:

And the sheriffs being asked by Mr. Speaker,

what they had to say in justification of their not having made any return of members to serve in Parliament at the last general election; and in answer to the matters charged against them in the petitions of Lord Sheffield and Mr. Roe Yeo, and of the several freemen of the city of Coventry, who have petitioned this House, complaining of their conduct;

The said sheriffs were heard; and, having desired that their under-sheriff, who attended as their agent, might examine the witnesses who had been ordered to attend this House on their behalf;

The said agent was called in; and, at the bar, examined the several witnesses who were attending in justification of the conduct of the sheriffs.

And the said agent, having submitted to the House, That the said sheriffs had still several other witnesses, but that they were now at Coventry, and that they therefore desired further time, in order to have an opportunity to summon the said witnesses;

The said sheriffs and their agent, and the said counsel, were directed to withdraw.

And a motion being made, and the question being put, "That the further attendance of the said sheriffs, and the further consideration of the several petitions relative to the return made by them for the city of Coventry, at the last general election, be adjourned till this day se'en-night;"

It passed in the negative.

Then the said sheriffs and their agent, and the said counsel, were again called in; and the sheriffs

having acquainted the House, that they had not any other witnesses to produce, the said sheriffs and their agent, and the said counsel were again directed to withdraw.

Resolved: "That it appears to this House, that at the last general election of citizens to serve in Parliament for the city of Coventry, Thomas Noxon and Thomas Butler, the sheriffs, who were the returning officers at the said election, were not prevented, by riots or otherwise, from making a return of members to serve in Parliament for the said city:"

Resolved, *nem. con.*: "That the said Thomas Noxon and Thomas Butler, late sheriffs of the said city of Coventry, not having made any return of members to serve in Parliament, at the late general election for the said city, are thereby guilty of a high violation of the law, and a gross breach of the privileges of this House."

A motion was made, and the question being proposed, "That the said Thomas Noxon and Thomas Butler be, for their said offence, committed to his majesty's gaol of Newgate, and that Mr. Speaker do issue his warrants accordingly."

An amendment was proposed to be made to the question, by leaving out the words, "his majesty's gaol of Newgate," and inserting the words, "the custody of the sergeant at arms attending this House," instead thereof.

And the question being put, that the words "his majesty's gaol of Newgate," stand part of the question, it was resolved in the affirmative.

Then the main question being put,
Ordered: "That the said Thomas Noxon and Thomas Butler be, for their said offence, committed to his Majesty's gaol of Newgate; and that Mr. Speaker do issue his warrants accordingly."

On the 26th day of March, the said sheriffs presented a petition to the House, setting forth that they had been found guilty of a high violation of the law, and a gross breach of the privileges of the House, for not having made any return of members to serve in Parliament at the last general election for the city of Coventry; and that they were thoroughly sensible of the great offence they had been guilty of, and humbly begged pardon of the House for the same.

They were accordingly ordered to be brought up to the bar the next day, when they were reprimanded by the Speaker, and discharged.

A committee was appointed on the 15th of February, to try the merits of the petition of Mr. Roe Yeo and Lord Sheffield, against the return of Sir Thomas Halifax and Thomas Rogers, esq., who reported, on the 27th of the said month, that the petitioners were duly elected.

Mr. Elwes, the chairman of the committee, also reported, "That it appeared that much partiality and fraud was used in the admission of persons to the freedom of the city of Coventry, during the last election in that city. The committee are of opinion, that it would be expedient, in order to prevent the like fraudulent practice for the future, that a bill should be brought in for that purpose."

A bill was accordingly brought in, on the 12th of March, for better regulating elections of citizens to sit in Parliament for the city of Coventry; which was passed into a law on the 14th of May, and received the royal assent on the 5th of July following.

In 1802, William Wilberforce Bird and Peter Moore, esqrs., with some electors in their interest, Peckwell, vol. i p. 93—99. petitioned against the return of Francis William Barlow and Nathaniel Jefferys, esqrs. A committee was appointed to try this case, Feb. 21, 1803. The petition of the candidates contained general charges of bribery and treating against the sitting members. That of the electors, charges against the sheriffs for admitting illegal votes and rejecting legal votes, and against Mr. Jefferys for not being duly qualified. After a long discussion, the committee decided that Mr. Jefferys, was not duly qualified, and he accordingly withdrew. The committee resolved, March 11, That Nathaniel Jefferys, esq., not being qualified according to the provision of the act 9th Queen Ann, was not duly elected.—That Francis William Barlow, was duly elected, and that the petition was not frivolous or vexatious. A new writ was ordered, when Peter Moore, esq. was returned in the place of Mr. Jefferys, G. F. Hatton, esq., and several of the freeholders petitioned against the election of Peter Moore, esq., April 19th, 1803. The petition was renewed Nov. 28. A committee was appointed March 2, 1804, but no evidence being brought to support the allegations contained in the petition, Mr. Moore was reported duly elected March 3d.

CORPORATION.

By charter of James I. it is governed by a mayor, recorder, two sheriffs, ten aldermen, thirty-one superior, and twenty-five inferior common-councilmen.

RIGHT OF ELECTION.

Feb. 24, 1701. The freemen of Coventry receiving alms or charity, have no right to vote.

March 1, 1708. Is in such persons as have served apprenticeship for seven years within the city, to one and the same trade, not receiving alms or constant charities.

Persons receiving Sir Thomas White's gift, are thereby disabled from giving their votes.

It passed in the negative.

March 3, 1708. Persons receiving Mr. Wheatley's gift not disabled.

March 13, 1711. The members of the Fullers company have a right to vote, being freemen, and not receiving alms or weekly charity; and all such freemen as do not receive alms, and have served seven years' apprenticeship in the city or suburbs, who do not receive alms or weekly charity.

Nov. 20, 1722. In such freemen as have served seven years' apprenticeship to one and the same trade, in the same city or the suburbs thereof, and do not receive alms or weekly charity; such freemen being duly sworn and enrolled.

NUMBER OF VOTERS—2,400.

RETURNING OFFICERS—the Sheriffs.

POLITICAL CHARACTER.

This city is one of the very few that is not under immediate influence, and might be perfectly independent, but for the enormous expense of conveying so many non-resident freemen from London and other parts of the kingdom, to the place of election. The candidate who will expend a few thousands for this purpose, is sure to be chosen before a more deserving character who cannot afford to purchase a seat at such a price.

The number of houses in Coventry is near three thousand. The freemen not so numerous, and half of them non-residents. It must be acknowledged, however, that they acted independently in the choice of William Wilberforce Bird, esq., and Nathaniel Jefferys, esq., in 1796; and in the election of Francis William Barlow, esq. in 1802: in the election of Peter William Moore, esq. in 1806, and 1807; and again in returning the same gentleman with Joseph Butterworth, esq., at the last general election in 1812.

It is worthy of remark in the history of this place that Coventry and Middlesex are the only two cases which occur in the present reign of the returning officers being punished for partiality, and that in both cases the parties acted in opposition to the government candidates.

WESTMORELAND.

WESTMORELAND is a county of England, bounded on the north and north-west by Cumberland ; on the east by Yorkshire ; and on the south and south-west by Lancashire. Its shape is nearly angular, being in extreme length and breadth about 40 miles. The area of the county being 722 square statute miles, equal to 462,080 square acres, having 30,000 acres in tillage, and 13,000 acres pasturage. It is divided into four wards instead of hundreds, viz. East, West, Kendal, and Lonsdale wards, containing one borough, Appleby, and seven market towns, Ambleside, Brough, Burton, Kendal, Kirby Lonsdale, Kirby Stephen, and Orton ; 7,897 houses, inhabited by 41,617 persons, viz. 20,175 males, and 21,442 females, of whom 8,673 were returned in trade and manufacture, and 12,141 in agriculture. Amount of money raised for the maintenance of the poor in 1803, 17,592*l.* being at the rate of 5*s.* 2½*d.* in the pound. Amount of assessment under the property tax, 1806, 425,206*l.* ; and the average scale of mortality for ten years, appears from the registered burials, as one to 49 of the existing population.—Westmoreland contains 32 parishes ; and sends four members to Parliament, being two for the borough, and two for the county.

REPRESENTATIVE HISTORY.

This county returned knights to the Parliament

from the 22d of Edward I. but we neither meet with any particular memoirs thereof amongst the returns; nor do we find any complaint in the House of Commons concerning the election, till May 10, 1768, when John Upton, esq. petitioned, but afterwards had leave to withdraw it.

Nov. 29, 1774. Thomas Fenwick, esq. petitioned, but afterwards had leave to withdraw.

POLITICAL CHARACTER.

This small county is as much under the command of an individual, as the most rotten borough in the kingdom. The great estates which the Earl of Lonsdale possesses are sufficient to procure a passive obedience to the authority of his Lordship.

The Earl of Thanet is hereditary sheriff of this county, and proprietor of the castle at Appleby, and many independent gentlemen reside within its limits, but the most spirited efforts of the freeholders to support their right to a free election would be here inefficient: nor can any opposition to the Earl of Lonsdale's nomination of members to represent it in Parliament be productive even of a probability of success.

In the reign of William I. this county seems to have been overlooked, either on account of its apparent barrenness, or its remoteness from the capital; for the lands were not disposed of till the reign of King John, who, to reward the great services of Robert de Vipont, granted him the castles of Battle and Brough, together with the whole bailiwick of Westmoreland.

It is remarkable, that it never was divided into hundreds, wapentakes, or rapes, like other counties; the reason of which is supposed to be, because the inhabitants paid no subsidies, they having been thought sufficiently charged, in being obliged to defend that part of the kingdom against the Scots. It is seated in the province of York: that part which is called the barony of Westmoreland, is comprehended in the diocese of Carlisle; and the other part, called the barony of Kendal, in the diocese of Chester; both baronies containing thirty-two large parishes.

APPLEBY.

APPLEBY is a borough and market-town in East Ward, Westmoreland, 10 miles from Penrith, 20 miles from Carlisle, and 266 from London; contains 120 houses and 711 inhabitants, exclusive of Longate, a separate parish, but part of the town. It is almost encompassed by the river Eden. The market on Saturday is the best supplied with corn in this part of the kingdom.

REPRESENTATIVE HISTORY.

This was a borough and mayor town, and sent members 23d Edward I., and has continued so to do ever since.

PETITIONS, &c. Feb. 11, 1588. Mr. Treasurer from the Committee of Privileges reported in the return for this borough, it appeared that the indenture returned being razed in the sentence of

election, Lawrence Lister and Thomas Musgrave are named burgesses, and in the sentence for giving them authority being likewise razed; Robert Warcup and Anthony Felton are named with the former hand; they thought it convenient upon the insufficiency and uncertainty thereof to grant a new writ for choosing Burgesses, the former return being utterly disallowed.

Feb. 14, 1700. A petition of Sir John Walter, bart. against Wharton Dunch, esq.—Never heard.

Jan. 3. 1701. A petition of James Graham, esq. against Wharton Dunch, esq.

Jan. 13. A petition of several burghers of Appleby, complaining of an undue return of Gervase Pierpont and James Graham, esqrs., by undue means and stating that the petitioners conceive Wharton Dunch and Richard Brathwaite, esq., duly chosen.—No report.

Dec. 5, 1710. A petition of Sir Charles Keymes, bart., complaining of an undue return of Thomas Lutwick, esq., by bribery and other undue practices.—No report.

March 3, 1713. A petition of William Harvey, jun., esq., complaining of an undue return of Sir Richard Sandford by bribery and other undue practices by himself and his agents.

Also a petition of Robert Holmes, Edward Thornbarrow, John Atkinson, and several other free burghers of this borough to the same effect, and complaining of partiality of the mayor.—No report.

May 16, 1723. A petition of Lord Viscount Hillsborough, complaining of an undue return of James

Lowther, esq., by partiality of the mayor, and by many other corrupt and illegal practices.

This petition after being read in four sessions was on Feb. 9th, 1725, withdrawn.

In 1754, Sir John Ramsden, bart. and Fletcher Norton, esq., petitioned against the return of Philip Honeywood and William Lee, esq. The petition was renewed the second session. Feb. 10, 1756, the House pronounced it a void election.

CORPORATION.

It is governed by a mayor, recorder, 12 aldermen, two bailiffs, and sixteen capital burgesses.

RIGHT OF ELECTION.

Is in the burgage holders.

NUMBER OF VOTERS—Nominally, in about 100 burgage tenures, which are now the property of two individuals.

RETURNING OFFICER—the Mayor.

PROPRIETORS—the Earl of Thanet and the Earl of Lonsdale.

POLITICAL CHARACTER.

The right of voting in this borough, although there is no special resolution of the House of Commons concerning it, is admitted to be in burgage-tenure. These burgage-holds are now the property of the Earl of Lonsdale and the Earl of Thanet. Hog-sties have been deemed freeholds here, and purchased by the Thanet and Lonsdale families, at a price exceeding all belief.

The contention between these two families has given the borough its only consequence; but they have now agreed, that each shall send one member. The electors of this place, therefore, sit down quietly, to be represented by whomsoever its noble proprietors shall think most proper.

WILTSHIRE.

WILTSHIRE is an inland county of England, bounded on the north by Gloucestershire: on the east by Berkshire and Hampshire; on the south by Dorsetshire; and on the west by Somersetshire and Gloucestershire. Its form is oval, being about 54 miles long, and 34 broad, the area of the county being 1,283 square statute miles, equal to 821,120 square acres, of which 150,000 acres are supposed to be arable, and 250,000 pasturage. Wiltshire is divided into 28 hundreds, viz., Alderbury, Amesbury, Bradford, Branch and Dole, Calne, Cawden, Chalk, Chippenham, Damerham North and South, Downton, Dunworth, Elstub and Everley, Frustfield, Heytesbury, Highworth, Kingsbridge, Kinwardstone, Malmsbury, Mere, Melksham, Pottern and Canning, Ramsbury, Selkley, Swanborough, Underditch, Warminster, Westbury and Whorlesdown; containing one city, Salisbury; 15 boroughs, Bedwin, Calne, Chippenham, Cricklade, Devizes, Downton, Heytesbury, Hindon, Ludgershall, Malmsbury, Marlborough, Sarum, Westbury, Wilton, and Wotton

Basset, and eight other market-towns, viz., Amesbury, Bradford, Highworth, Market Lavington, Mere, Swindon, Trowbridge, and Warminster, the whole containing 304 parishes, 29,462 houses inhabited by 185,107 persons, viz., 87,388 males, and 97,727 females, of whom 39,422 were returned as being employed in trade, handicrafts, and manufacture, and 53,517 in agriculture. Wiltshire lies in the province of Canterbury, and diocese of Salisbury, and is included in the western circuit. The amount of money raised for the maintenance of the poor in 1803, 148,661*l.* being at the rate of 4*s.* 7½*d.* in the pound; total amount of assessment under the property tax, 1806, 1,821,783*l.* and the average scale of mortality, from the registered burials of 10 years, appears to have been as 1 to 56 of the existing population. The manufactures are those of superfine broad cloth, fustians, thick-sets, bed-ticking and carpeting.

REPRESENTATIVE HISTORY.

This county has returned knights to the Parliament, in the same manner as the other counties, from the first summons of counties. The memoirs relating to its elections, do not occur till since the restoration; after which æra, the following petitions are to be seen in the journals:

PETITIONS, &c. March 25, 1679. A petition of Henry Coker, knt., and John Bennet, esq., complaining of an undue return of Sir Richard Grubham How, by illegal practices in the sheriff of the said county.—No report.

April 3, 1690. A petition of Henry Lord Colrain, complaining of undue practices of James

Edghill, under-sheriff, and one Sansbury, the county-clerk ; persons unqualified being admitted to poll, and the county-court unduly adjourned from Wilton to several places the first day, the last adjournment being to Salisbury, then visited with the small-pox, the fear whereof restrained and discouraged some hundreds that would have polled for the petitioner, and by multitudes of other manifest and wicked practices, have made a return in prejudice of the petitioner.

Oct. 8. Another petition of the said Lord Colrain.—No report.

March 6, 1713. A petition of Edward Ash and Thomas Pitt, esqrs., complaining of an undue return of Sir Richard How and Robert Hyde, esq., by the illegal practices of the under-sheriff, who deferred opening the poll till the afternoon, when many freeholders, who would have voted for the petitioners, were necessitated, by reason of the harvest, to go away without voting ; and that the said sheriff refused those who voted for the petitioners, and had a right, and polled others against them, who had no right ; that a mob was raised and paid by the sitting members, appearing with clubs and drums, marching round the place of polling till the close thereof, to the great terror of the electors ; that the under-sheriff ordered the oath of abjuration to be given to none but the Quakers, the majority of whom would have voted for the petitioners ; that, by these means, and several other illegal practices, the sitting members have procured themselves to be returned in wrong of the petitioners.—Petition withdrawn.

POLITICAL CHARACTER.

This county possesses all that spirit of independence for which the neighbouring county of Somerset is so remarkably eminent. The freeholders and yeomen are as independent in their minds as in their fortunes; and a combination of those, who call themselves the great men of the county, to deprive them of their constitutional privileges of electing their own representatives, will only tend to expose the inability and arbitrary principles of the one party, and the manly exertions and ability of the other, when exercised in supporting their rights. About the year 1770, Mr. Herbert, afterwards Earl of Carnarvon, was proposed as one of the candidates to represent this county in Parliament; in which he was supported by the whole aristocracy in it. The independent freeholders could not help feeling an honourable resentment at such an arbitrary measure, the intention of which was to render their suffrages of no effect; they therefore immediately opposed to that candidate Ambrose Goddard, esq., one of their own body; and, after a poll of several days, victory was declared for them in his favour. They have also shewn themselves zealous in the support of a parliamentary reform. In 1780, committees were established in several counties for the purpose of obtaining this desirable object; and some of the greatest characters for integrity and ability were engaged in it; among whom were the Earl of Abingdon, the Right Hon. Charles James Fox, and the Marquis of Lans-

down, then Earl of Shelburne ; who, being prevented by illness from attending a meeting of the county, convened at Devizes on the 29th day of March in that year, delivered his sentiments upon the subject in the following letter :

“ SIR,

March 26, 1780.

“ I am very much mortified, that it is not in my power to perform a duty I feel so very agreeable and honourable, as that of attending the committee of correspondence and association at Devizes, on Tuesday next, and the meeting of the county, which is to be held the subsequent day.

“ The early negative put upon the inquiry into the public expenditure in the House of Lords ; the refusal of any account of places and pensions held by members of that House ; the violence done to the constitution by the arbitrary removal of the Earl of Pembroke from the lord-lieutenancy of our county (an office which his ancestors have so long and so honourably held, I believe from its first institution) for no other possible cause, but for having voted as a free man upon a public question ; as well as by that of the Marquis of Caermarthen from the lord-lieutenancy of the east riding of Yorkshire.

“ And in the House of Commons, the proceeding to lay new burdens, without taking *any*, much less *effectual*, economical measures, in direct opposition to the prayer of our petition, as well as those of other counties ; the number of taxes proposed to be superadded, some bearing very hard upon our county in particular, namely, that which regards the private brewery ; besides the

addition made to the severest of all duties, that on salt; when it is certain that triple the sum might have been, and may still be produced, from the suppression of unnecessary offices, savings in the mode of expenditure, and other economical reforms, which require only integrity to accomplish; the difficulties which have been thrown in the way of a very able plan of reform now before the House; no inquiry made into exorbitant contracts; accomptants suffered to remain with large balances at their own disposal; the measure for a commission of accounts taken out of independent and disinterested hands, and assumed by the authors of our distress, in such a manner, as to mock every idea of parliamentary independence, or popular inquiry; no expectation offered by the minister, except a possible reversionary reduction of those places which do not contribute to the influence of the crown, in answer to the petitions desiring an abolition of those that do; and, withal, a position laid down as fundamental, by the supporters of the court and ministers in both houses, that the influence of the crown is not dangerous to the constitution, and is not increased, in contradiction to the evidence of all our senses.

“These facts, I apprehend, can leave little doubt with any freeholder who approved of the former meeting, of the necessity of immediately associating for the accomplishment of those indispensable objects, stated in our petition, in as strong terms as constitutional language can dictate.

“But I am sensible that it must occur to our county, as it has already done to others, to con-

sider what steps can be taken to obtain that reform, of which our present Parliament gives so little hope, acting even under all its present circumstances; or what security can be had for preserving in future what we may have the good fortune to obtain in this moment of exigence. It gives me great satisfaction, to find, that it has occurred to none to have recourse to other means than those purely civil, as well as strictly constitutional. Though no one feels with more concern the abuses which have taken place in the militia, and particularly the departure from the ancient, true, fundamental, and, till of late years, invariable militia principles, of keeping them within their counties, except in case of actual invasion (their present distant and unnecessary removals serving only to assimilate them to the standing army, in principle and in habits, not in discipline), I still have that confidence in our army as well as militia, as at present constituted, that I hope neither are yet so estranged from a love of the constitution, as to give any just apprehension of danger.

“ Two measures have offered themselves for consideration, which, inasmuch as they affect the House of Commons, merely come unquestionably within the province of our county meeting, and cannot, by any misrepresentation be construed to arise from improper motives: the one is, to shorten the duration of Parliaments; the other, to equalize the representation, which, at present, confessedly bears no proportion, either to the number of people, the quantum of property, or the propor-

tion of public contribution ; nor does it hold to any rank or description whatever ; but is the mere child of accident or intrigue.

“The people of England, I conceive, have, and always had, a clear, unalienable, and indefeasible right, both to the one and the other, in their fullest extent, upon a stronger ground than that of any act or acts of parliament. That “the House of Commons must be free in every circumstance of its constitution,” is the foundation-stone of our government. The same right which the people had formerly, and, through the blessing of God, exerted so happily for us, their posterity, to have parliaments frequently *holden*, when they were aggrieved by the crown’s withholding them, now goes to have them *frequently* and *equally chosen*, when it appears, through the length of the duration, and the inequality of the representation, that they are still more aggrieved than they were formerly, by the total want of them ; and, if this should appear to be the sense of a fair majority of the people, collected together, either in county-meetings, or in any other constitutional mode, there can be no doubt, but that proper laws will be immediately enacted to restore the constitution to its first principles in these particulars : for it is not to be presumed, that the present defective representation would venture to oppose the manifest sense of those from whom they derive all their authority ; much less that the House of Lords, constituted as it is, or the crown, could be so ill-advised as to deny their concurrence and assent to so salutary a reform, in a part of the constitution which more particularly be-

longs to the democracy.—These principles are so unalterably engraven in my mind, that I should hold myself criminal in the suppression of them, when called for. It will be for the county to judge, whether they will proceed to declaratory resolutions on the subject of them, and then wait till the sense of the rest of the kingdom is so far known; or whether they will be contented finally, without pushing the right of the people to its utmost extent, by insisting on an annual election, and a total change of the representation. There are men, of whose integrity there is but one voice, and whose judgment deserves every attention throughout England, who foresee more inconvenience than I confess I do in the *whole* extent of these propositions. Besides, the consequences of great changes have been, in all times, so uncertain, that it may be most prudent to avoid them; especially as, in the present instance, I am free to own, that, so far as I am capable of judging, every end may be obtained by the repeal of the septennial act, and a reasonable addition of county members, chosen by districts, or under some regulation, which might preclude all unnecessary expence. But I shall most willingly subscribe to the discretion and wisdom of the meeting, in this and every other consideration of expediency; and I dare rely upon the generosity and candour of the county and committee, that they will put a just interpretation upon the liberty I take, meaning to assume no more than what might become any other freeholder; submitting my unreserved sentiments, in time of dis-

tress, to their better judgment, as I cannot have the honour of attending in person, when I might explain myself more particularly upon each part, as occasion might require. I have nothing so much at heart as to prove the sincerity and consistency of my conduct upon all occasions, but most of all in the county of my residence, and among a neighbourhood whose good opinion must, in the end, make the comfort and honour of my life.

“ I have the honour to be, with great respect and consideration, Sir,

“ Your most obedient and humble servant,

“ SHELBURNE.”

To JOHN AUDRY, *Esq.*

Chairman of the Wiltshire Committee.

After the triumph of the independent interest in 1770, an attempt was made to render the representation of this county subject to the nomination of two clubs, called the Beckhampton, and the Devizes clubs, from the places of their meeting, and under pretence of maintaining the independence of the county, to nominate the members themselves; but at the last general election in 1812, Mr. Methuen offered himself a candidate, in opposition to Mr. Penruddock of Compton, who was nominated by the clubs, and was received by the independent freeholders in such a manner as to demonstrate that they were no further to be influenced by the clubs in 1812, than by the nobility in 1770. The event was, that Mr. Penruddock withdrew from the contest, and Mr. Methuen was unanimously elected.

The nobility of this county are the Duke of Somerset, Marquis of Lansdown, Marquis of Bath, Earl of Pembroke, Earl of Suffolk, Earl of Radnor, Earl of Clarendon, Earl Nelson, Lord Viscount Bolingbroke, Lord Arundel and Lord Holland.

SALISBURY.

SALISBURY is a city in the hundred of Underditch, Wilts, situated in a valley, $80\frac{1}{2}$ miles from London; containing 1,489 houses and 7,668 inhabitants, viz. 3,412 males, and 4,256 females, of whom 2,323 were returned as being employed in various trades. It has a considerable manufacture of flannels, and the cloths called Salisbury whites, and an extensive traffic in bone-lace, and cutlery.

The markets are on Tuesday and Saturday, and its fairs are the Tuesday before the 6th of January for cattle, Tuesday after 25th March for clothes, Whit Monday and Tuesday for horses and pedlary, and the Tuesday after the 10th October for hops, cheese, &c.

REPRESENTATIVE HISTORY.

This city was made so by letters-patent, 11 Henry III., and given to the then bishop and his canons; and to his and their successors, which were afterwards confirmed by charter 34 Edward I. It returned members to Parliament 23 Edward I. who were elected by deputies in the county-court in the first and second years of the reign of King

Henry V., since which time they have been elected by the mayor and citizens.

PETITIONS, &c. March 3, 1640. Upon Mr. Maynard's report, from the committee of privileges, of the case of election for this city.

Resolved, upon the question, "That the election of Mr. Serjeant Hide and Mr. Oldsworth to serve for this city is a good election."

March 26, 1681. A petition of the citizens and inhabitants of this city touching the election for the same.—No report.

Jan. 22, 1688. A petition of Samuel Eyres, and David Thomas, doctor in physick, complaining of an undue election and return of citizens to serve in this convention for this city.

April 1, 1689. Colonel Birch reported, that the question appeared to be whether the right of election of citizens to serve in Parliament was in the select number, or in the citizens in general.

Resolved: "That the right of election of citizens to serve in Parliament for this city is in the select number."

"That Thomas Hobby and Giles Eyre, esqrs., being chosen by the select number, are duly elected."

March 24. A petition of William Wyndham, esq., complaining of an undue return of Thomas Pitt, esq.

Oct. 6, 1690. Another petition of William Wyndham, esq.—No report.

Feb. 14, 1700. A petition of Charles Fox, esq., complaining of an undue return of Sir Thomas Mompesson by partiality of the mayor, &c.—No report.

In 1713, Robert Pitt, esq., petitioned against the election of Richard Jones, esq. The petitioner alleged, that John King the mayor, deferred the election till the 10th day after the receipt of the precept and admitted several who were not qualified to vote, and denied a scrutiny to the petitioner; by which and other illegal practices, the Duke of Beaufort not only applying himself to the corporation in the council-house, but in person from house to house in favour of the said Mr. Jones, by which the privilege of the commons are invaded, &c.

April 3, 1714. Resolved: "That Richard Jones, esq. is duly elected."

Mar. 30, 1715. A petition of Robert Pitt, complaining of an undue return of Francis Swanton and Edmund Lambert, esqrs., by arbitrary proceedings of Walter Barry, mayor, and other corrupt practices, &c.

A petition of several justices of the peace, aldermen and assistants of this city, shewing that the petitioners were grieved and oppressed by the illegal and arbitrary proceedings of the said combination; as their anticipating and determining at their previous meetings, all acts, and things determinable by the whole corporation in the council-house; their agreeing by vote, or ballot, on the choice of members for the said city; and their admitting such persons only upon vacancies into the corporation as will engage themselves to act in the measures of their combination; whereby they are divested of the benefit and privilege of their charter, the government and quiet of the town in-

interrupted, and the freedom of elections notoriously invaded, &c.

May 27. The House being informed, that both the petitioners and sitting members for this city are willing, that the further hearing of the merits of the election of the said city at the bar of this House be discharged.

Ordered to be discharged.

There being a double return in 1754, the Hon. W. P. Bouverie, Julines Beckford, and Edward Poore, esqrs. petitioned. Mr. Poore requested leave to withdraw his petition, which was granted, and the House ordered the clerk of the crown to erase Mr. Poore's name from the return.

There was another double return in 1768, viz. Hon. Stephen Fox and Henry Dawkins, esq., which terminated in a similar manner. Mr. Dawkins having, Nov. 10, informed the House that he did not mean to contest the double return, the clerk of the crown was ordered to erase his name.

CORPORATION.

It was first incorporated by King Henry the Third, and afterwards by Queen Ann, and consists of a mayor, recorder, twenty-three aldermen, and thirty common-councilmen.

RIGHT OF ELECTION.

April 1, 1689. Is in the Mayor and Corporation.

NUMBER OF VOTERS—54.

RETURNING OFFICER—the Mayor.

PATRONS—Earl of Radnor and George Purefoy Jervoice, &c.

POLITICAL CHARACTER.

Salisbury is equal in population to Winchester ; but, like that city, Bath, Portsmouth, Plymouth, Andover, Poole, Tiverton, Banbury, and many other large towns, has no share in electing the democratic branch of the legislature, but what is exercised by its corporation, consisting of a mayor, twenty-three aldermen, and thirty common-council. This exclusion from constitutional rights, places the inhabitants of these towns, in common with all the unrepresented part of the kingdom, in a situation not to be envied by the subjects of any other nation. If freedom consists in electing our own legislators, and in delegating to them the authority by which we are to be governed, those persons who are not allowed the exercise of this privilege, taste as little of the sweets of liberty, as where the will of mankind is subject to an absolute monarch, or an unlimited aristocracy.

The Earl of Radnor is recorder of this city, and has the principal interest with the corporation, who always elect one of his lordship's relations for their representative.

The number of housekeepers in Salisbury is nearly 1,500, while the number of voters is only fifty-four, and these are again influenced by two individuals.

The late William Hussey, esq., of this city, was for many years joint patron of the corporation with the Earl of Radnor, and represented the place in eight Parliaments, on his decease they have adopted Mr. Jervoise, a very independent

country gentleman of the neighbourhood to be his successor, who at present represents them in Parliament with Lord Viscount Folkestone, eldest son of the Earl of Radnor.

WILTON.

WILTON is a borough, market-town, and parish, in the hundred of Branch and Dole, Wilts, situated on the river Willy, three miles from Salisbury, and 83 from London ; containing 344 houses, and 2,144 inhabitants, a considerable number of whom are employed in the carpet and clothing manufactures.

REPRESENTATIVE HISTORY.

This borough and shire-town has returned burgesses to Parliament from the 23d of Edward the First. Its original method of election we have not met with, other than they were chosen by deputation in the county court, in the 2d of Henry the Fifth, after which, the next memoirs are in the journals of the House of Commons ; but not till since the Restoration.

PETITIONS, &c. May 3, 1660. Mr. Turner reported from the Committee of Privileges and elections, touching the double return for this borough : that the precept is directed to the mayor and burgesses, and the return made under the seal of the corporation (but without the hand of the mayor) of Francis Swanton and William Hughes, esqrs., by one indenture ; and that Wm. Hughes,

esq., who is returned, is the mayor: and that upon another indenture from the burgesses there is returned the said Francis Swanton, and Richard Grubham How, esqrs.

June 14. Mr. Turner reported upon the said double return, that the question was, whether Mr. Hughes as mayor have power to return himself: and that the committee were of opinion, that the said Mr. Hughes the present mayor, being so returned by himself, the election is void as to him: whereto the House agreed.

March 25, 1690. A petition of Sir John Nicholas, complaining of an undue return of Sir Richard Grubham How, bart., by means of indirect practices of John Toogood, the mayor.

Oct. 9. Another petition to the same effect.—
No report.

Feb. 17, 1700. A petition of Sir Henry Ashurst, bart., complaining of an undue return of Mr. Phipps by gross bribery, and promising large sums of money, &c.

A petition of Anthony Burnaby, esq., to the same effect.—No report.

Oct. 24, 1702. A petition of John Gauntlet, esq., complaining of an undue return of Sir John Hawles and George Bodington, esq., by partiality of John Pranker the then mayor, and many other indirect practices.

27. A petition of Sir Henry Ashurst to the same effect.

Nov. 28. Mr. Bromley reported upon the petition of John Gauntlet, esq., That the right of

election was agreed to be in the Mayor and Burgesses. That upon the poll, there were

For Sir John Hawles 37

Mr. Bodington 37

The Petitioner 24

That for the petitioner it was agreed that the mayor and burgesses constituted the corporation and did all corporate acts ; and therefore according to the act 13 Car. II., they ought to have received the sacrament according to the rites of the church of England, within one year before they are elected burgesses. The counsel said, they should on this head object to 20 who had voted for John Hawles, and 21 who had voted for Mr. Bodington ; and that they had long since delivered in a list of their names to the sitting members : that 19 of these had been made burgesses between the 1st of Sept. 1701, and 25th June, 1702 : that John Lee and Joseph Cleves were made burgesses in 1697, and John Carpenter before that time. Some witnesses were called to the manner of making these burgesses.

Thomas Danet said, he was at a former election of Parliament men there ; and that as soon as it was over, the mayor and burgesses returned to the council house, where the mayor spoke to this effect : That Sir Henry Ashurst and Mr. Gauntlet had then carried the election : but before another election he would make so many new burgesses, that there should be no occasion for the old ones to attend.

William Moore said, he had heard the mayor

say, he would make none burgesses that were not dissenters from the dam's teat; for if they chose churchmen, they would be always against them.

Resolved, "That the election of any person to be a burgess of this borough who hath not taken the sacrament of the Lord's Supper according to the rites of the church of England, within one year before such election, is a void election."

Resolved, "That Sir John Hawles and John Gauntlet, esq., are duly elected."

Resolved, "That George Bodington, esq., is not duly elected."

Dec. 1, 1710. A petition of Peter Bathurst, esq., complaining of an undue return of Charles Mompesson and John London, esq., by bribery and other undue practices.

March 17. Mr. Freeman reported that the poll was,

For Mr. Mompesson 28

Mr. London 30

The Petitioner 26

That the right of election was agreed to be in the Mayor and Burgesses.

Hereupon several witnesses were examined as to bribery and corrupt practices.

Ward said, Mr. Moor the mayor desired his vote for Mr. Mompesson and Mr. London, and he answering it was promised, he said he had rather have given an hundred pounds than he should have promised it, for he depended on this election. Mr. London promised the cloathing of one or more regiments, and if he voted for him he should never want work.

10 Glide said, he had been town-sergeant between 20 and 30 years, and was so till he voted for Mr. Bathurst in this election : That Mr. Moor the present mayor, three days before the election asked him to vote for Mr. Mompesson and Mr. London ; and told him, if he had voted so, it would have been 10*l.* in his way, and that he could then have asked to keep him in his office, but could not now ask it ; and another was appointed in his place.

Cole said, Mr. Cable the then mayor treated five who voted for Mr. Mompesson and Mr. London, and several others at Mr. London's lodgings.

Chalk, jun., said, that three weeks before the election, petitioner said to Mr. William Moor and the minister of the town that he would give 200*l.* to the borough if the corporation would choose him, but would not give any thing if he was not chosen : that Hewes asked votes for the petitioner, and told him he gave to Brown, jun., five guineas to engage his father's vote for the petitioner : that Toogood who asked votes for the petitioner, offered him 50*l.* to bring the petitioner into the House, &c., &c.

Resolved, " That Charles Mompesson and Peter Bathurst, esqrs., are duly elected."

Resolved, " That John London is not duly elected."

CORPORATION.

By charter of Henry the Eighth, it consists of a mayor, recorder, five aldermen, three capital burgesses, and eleven common-councilmen.

RIGHT OF ELECTION.

Nov. 28, 1702. The election of any person to be a burgess of Wilton, who has not taken the sacrament of the Lord's Supper, according to the rites of the church of England within one year before such election is a void election.

March 17, 1710. Agreed to be in the Mayor and Burgesses, who are to do all corporate acts and receive the sacrament.

NUMBER OF VOTERS—20.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Pembroke.

POLITICAL CHARACTER.

This being a corporation borough in which the right of returning two members is vested in a select body of twenty, together with as many burgesses as these twenty corporators please to create, is like almost every other corporation in the united kingdom under the influence of a patron who nominates both the representatives.

In cities and boroughs so constituted, every description of protestant dissenters are precluded by the test and corporation acts from having votes, which places them in the situation of aliens, as far as respects corporate rights, and the privilege thereby obtained of voting for representatives in Parliament.

Wilton, on account of its vicinity to the seat of the Earl of Pembroke, is intirely under his Lordship's control, and his nomination of the members is final and commanding.

DOWNTON.

DOWNTON, or DONCKTON is a borough-town and parish in the hundred of Downton, Wilts, five miles from Fordingbridge, and 90 from London; containing 509 houses, and 2,426 inhabitants, of whom 177 were returned as being employed in various trades. The principal employment is lace-making and malting. It has no market; but fairs are held on the 23d April for cattle and pedlary, and on 2d October for sheep and horses.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament from the 23d Edward the First, to the 38th of Edward the Third, and then ceased till the 1st of Henry the Fifth, and from thence ceased again till the 20th of Henry the Sixth: after which it has continued to return as other boroughs till this time.

PETITIONS, &c. Feb. 19, 1640. Ordered that the cause concerning the election for this borough be heard on Saturday come fortnight before the Committee of Privileges: but we do not find any report.

May 3, 1660. Mr. Turner reported from the Committee of Privileges, touching the double return for this borough, with the opinion of the committee:

That Thomas Fitz James and William Coles, esqrs., are returned by the bailiff to whom the war-

rant was directed, and ought to sit until the merits of the cause upon the said double return be determined.

May 9, 1660. Mr. Turner reported that Giles Eyre the younger, and John Elliot were duly chosen : to which the House agreed.

July 3, 1661. "Sergeant Carleton reported from the Committee of Privileges and Elections, touching the election for the borough of Downton, that the question was, whether the out-livers that have freeholds, but no houses, within the borough, had voices, and the opinion of the committee was that they had voices ; and that Mr. Elliot and Mr. Eyre had the major voices and were duly elected, and ought to sit. But some members insisting that divers inconsiderable freeholders were fraudulently created, whereby the said Mr. Elliot and Mr. Eyre obtained the majority of voices, concerning which some of the evidence was not heard. The question was put, That this House doth agree—whereupon the House divided—Noes 109—Ayes 108—so it passed in the negative. Ordered, That the same be recommitted to the said committee, fully to examine the said piece of fraud." What the fraud was is not stated.

8 Journ. p. 288.

Glenbervie, v. i. p. 238.

Peckwell, v. i. p. 318.

Jan. 25, 1697. The House proceeded in the further examination of the matter, touching the false indorsement of Exchequer Bills.

Resolved, "That Charles Duncomb, esq., a member of this House, having contrived and advised the making false indorsements of Exchequer

Bills, and paid the same into the receipt of Exchequer for excise, although they had never passed through that revenue, be for the said offence committed prisoner to his Majesty's Tower of London.

Jan. 27. A petition of Charles Duncomb, esq., prisoner in the Tower.

It appearing to this House on examination, and by the confession of Charles Duncomb, esq., a member of this House, that the said Mr. Duncomb is guilty of contriving and advising the making false indorsements of Exchequer Bills, and of paying the same into the receipt of Exchequer for excise, although they had never passed through that revenue.

“ Resolved, “ That the said Mr. Duncomb be expelled this House.

Feb. 13, 1700. A petition of Sir Charles Duncomb, complaining of an undue return of John Eyre, esq.

May 2, 1701. Petition withdrawn.

The right of election in this borough being in the burgage-holders. The tenures which give this privilege were all the property of the families of the Earl of Radnor, or of Robert Shaftoe, esq., between whom an opposition subsisted for many years.

This contest has caused a petition to Parliament at every election since the passing of the Grenville Act, to the year 1790.

The first was tried in 1775, in which Sir Philip Hales, and John Cooper, esq., were petitioners on the Shaftoe interest, against Thomas Duncomb, esq., and Thomas Dummer, esq., sitting members

on the Radnor interest; in which the Shaftoe interest was successful.

The second was tried in February, 1780, on the petition of Robert Shaftoe, esq., on his own interest, against the Hon. Bartholomew Bouverie, on that of his brother, the Earl of Radnor; in which Mr. Shaftoe was successful.

The third was tried in March, 1781, in which John Saunders, esq., and Alexander Hume, esq., were petitioners, and Robert Shaftoe, esq., and the Hon. Henry Seymour Conway, esq., were sitting members; when the Shaftoe interest was again successful.

The fourth was tried in June and July, 1784, when there was a double return; Mr. Shaftoe and the Hon. H. S. Conway, upon the Shaftoe interest, and the Hon. Edward Bouverie, and the present Sir William Scott, on the Radnor interest; when Mr. Shaftoe was declared duly elected, and the election void with respect to a second member.

The fifth petition was in consequence of the above vacancy, when a double return again took place: the Hon. E. Bouverie, in the Radnor interest, and the Hon. H. S. Conway, in the Shaftoe interest; when the Shaftoe party was again successful.

The sixth petition was at the general election, in 1790, which was tried the ensuing year, when Mr. Shaftoe and his colleague petitioned against the return of the Hon. Bartholomew Bouverie, and Sir William Scott, who had been returned on the Radnor interest; when that interest for the second time became successful.

Sept. 27, 1796. Mr. Wrightson and Mr. Motteux, and some of the inhabitants petitioned, but Mr. Wrightson not giving in his recognizance agreeable to law—Petition discharged.

The number of legal votes in this borough do not appear to be above twenty. Sir Philip Hales and Mr. Cooper, in 1775, were declared duly elected with eleven, against ten votes; but they are sometimes split into four times that number.

The right is admitted to be in persons having a freehold interest in burgage-tenements, holden by a certain rent, fealty, and suit of court of the Bishop of Winchester, who is lord of the borough, and paying reliefs on descent, and fines on alienation.

The points at issue upon these several petitions were, splitting, and occasionality; and whether the returning officer was the deputy of the Bishop of Winchester's bailiff, or the deputy of the steward of the lessee of the manor; the said manor and borough having been leased out for lives from the reign of Elizabeth.

The late Anthony Duncomb, Lord Feversham, was proprietor of the greater part of the burgages in Downton; to some of which he was entitled under a settlement of Sir Charles Duncomb; the rest he had purchased. Upon his death in 1763 without male issue, the settled estate descended to the late Mr. Duncomb; the remainder of his estates in Downton, he by will directed to be sold for the benefit of his two daughters, giving the refusal of them to the Duncomb family, in order to prevent disputes. The present Earl of Radnor

married one of the daughters, and Mr. Bowater the other. Mr. Duncomb also left a daughter, married to Mr. Shaftoe, to whom he bequeathed his Downton estate. The trusts of Lord Feversham's will not having been carried into execution, the manner in which his trustees exerted the influence of his property, occasioned a new scheme of election in Downton, after the dissolution of the Parliament in 1780; for, in the former elections, the opposition to Mr. Duncomb's family had not been maintained by the estate of Lord Feversham, or by any other family interest, but by the legal objections before mentioned; but, in the elections of 1784 and 1790, Mr. Shaftoe, having the strength of Mr. Duncomb's property, was opposed by that of Lord Feversham's, which his trustees employed for that purpose.

The Bishop of Winchester's bailiff's deputy, and Sir Philip Hales, the lessee of the manors, stewards deputy, each taking upon them to act as returning officer.

The former admitted upon his poll,

For Shaftoe, 50—Conway, 49—Bouverie, 38—Scott, 37.

The latter, upon his poll, made the numbers,

For Bouverie, 44—Scott, 43—Shaftoe, 2—Conway, 1.

The committee determined, that the deputy steward of the lessee was the legal returning officer.

To follow this intricate investigation of the right of twenty thatched cottages to return two members to Parliament, would be a waste of our

time, and our readers' patience; nor would the volumes, to which we have limited our work, admit a report of all the six cases. Should not a reform of this system of representation render this reporting business premature, we shall soon see the cases of boroughs without houses, and representatives without constituents, exceed the voluminous bulk of the statutes at large.

CORPORATION.

None.

RIGHT OF ELECTION.

Feb. 4, 1775. Was considered, by the counsel on both sides, in their arguments, to be in persons having a freehold interest in burgage tenements, holden, by a certain rent, fealty, and suit of court, of the Bishop of Winchester, who is lord of the borough, and paying reliefs on descent, and fines on alienation.

1 Dougl. El. 235. There is no determination on the right of election.

NUMBER OF VOTERS—about 20; sometimes split into eighty.

RETURNING OFFICER—the Deputy Steward of the lessee of the manor.

PROPRIETOR—Earl of Radnor.

POLITICAL CHARACTER.

Since the various petitions and litigations which are mentioned in the representative history of this borough to have taken place between the Earl of Radnor and Mr. Shattoe; the dispute is set at rest by the former having purchased the burgage-

holds belonging to the latter, and thereby become sole proprietor of the borough.

If the right of election extended to every house-keeper in Downton the number of voters would be above five hundred: at present the few who are called electors being nominated by the proprietor only for the day, to return any two names they are ordered, the right of voting here, as in all the burgage-tenure boroughs is actually in one person only.

HINDON.

HINDON is a borough and market town in the parish of East Knowle, in the hundred of Cawdon and Cadworth, Wilts, nine miles from Burford, and 96 from London; containing 175 houses and 793 inhabitants. Its market is on Thursday, and its fairs Monday before Whitsun week, and 29th October for cattle, pedlary, &c.

REPRESENTATIVE HISTORY.

This borough first returned members to Parliament 27 Henry VI. and has continued till the present time. There was a precept issued to it, 7 Richard II. but it made no answer thereunto.

March 27, 1621. Sir Henry Poole moveth three returns for this borough.

April 18, Sir George Moore reported for this borough. The sheriff of Wiltshire directed his precept to the burgesses, not to the bailiff; upon this Sir John Davys and Mr. Antyll were elected.

And the second precept to the bailiff of Downton, thereupon all but one, elected the former.

Resolved : " The election of Mr. Antyll good, and a new writ in Sir John Davy's place."

May 3, 1660. Mr. Turner reported a double return for this borough.

— 18. Mr. Turner reported that upon examination of the fact, the question being whether the freemen in general ought to elect, or such only of them as pay scot and lot of the said borough? The committee were of opinion, " That the freemen in general ought to elect; and that Sir Thomas Thynn, knt., who is returned in one of the indentures, together with George Grabham Howe, esq., is duly elected, and ought to sit; and that the other indenture whereby Edmund Ludlow, esq. is returned, together with the said Mr. Grabham Howe be withdrawn, and the House resolved the same.

Jan. 4, 1697. A petition of Reynolds Calthorp, esq., complaining of an undue return of Col. Lee, by undue practices of one Sir James How who pretended to stand, and spent a great deal of money in treats; but at the time of election set up Col. Lee, whom the bailiff hath returned.

Feb. 1. Mr. Calthorp withdrew his petition.

Dec. 12, 1698. A petition of Robert Hyde, and George Morley, esqrs., complaining of an undue return of Sir James How and Mr. Calthorp by several indirect and unlawful practices at and before the election.—No report.

Feb. 13, 1700. A petition of Francis Pistell, Richard Street and other inhabitants paying scot

and lot within the borough, complaining of an undue return of Reynolds Calthorp, esq., by arbitrary proceedings of Cantelo Hughes the bailiff.

Feb. 17. A petition of George Morley, esq., to the same effect.

April 3, 1701. Sir Rowland Gwyn reported that the candidates at the said election were Sir James How, Mr. Calthorp, and the petitioner; and the election of the former was not questioned; and upon the poll there were,

For Mr. Calthorp.....70

Mr. Morley.....62

That the petitioner insisted, that the right of election was in the bailiff, burgesses, and such inhabitants only, who paid scot and lot.

The sitting member, that the right was in the bailiff, burgesses, and inhabitants not receiving alms.

After many witnesses had been heard, the committee resolved:

“That the right of election of members to serve in Parliament for this borough, is in the inhabitants not receiving alms.”

They then went upon the article of bribery.

Henry Hill said that Mr. Burlington, Mr. Hicks, and Mr. Stevens were agents of Mr. Calthorp; and that the said Hill and ten others were asked to vote for Mr. Calthorp and had twenty shillings each.

Sherringham and many others owned receiving twenty shillings each to vote for Mr. Calthorp, &c., &c.

The petitioner was also charged with ill practices, and to prove them,

John Tyler said Samuel Powel gave him a guinea and eighteen shillings and sixpence to vote for Mr. Morley.

William Wyer and many others acknowledged bribery.

Waterman Frith, &c. were evidence as to treating, &c.

Upon the whole the committee resolved :

“ That Reynolds Calthorp, esq., is not duly elected.”

“ That George Morley, esq., is not duly elected.”

The resolutions concerning the right of election and relating to Mr. Calthorp were twice read and agreed to.

The resolution, touching the election of Mr. Morley, was on the second reading, disagreed to : and the clerk of the crown ordered to attend, to amend the return, by razing out the name of Mr. Calthorp, and inserting Morley's name instead thereof.

Oct. 24, 1702. The House being informed that George Morley, esq., a member of this House hath been guilty of bribery, in relation to his election for this borough.

Ordered : “ That Mr. Morley do attend in his place.”

27. Mr. Morley attended and the charge opened against him by Mr. Jervoise ; when Mr. Morley insisted upon his innocence.

Nov. 26. Mr. Jervoise delivered in his charge, “ That George Morley, esq., and his agents Mr. William Pistell, Richard Street, senior, Samuel Brachen, John Symson, bailiff, William Oban,

Farmer Lauger, and John Huddendid, by bribes and corrupt or illegal practices procured the said Mr. Morley to be returned."

Nov. 4. A petition of Thomas James and John Anderson in behalf of themselves, and others the unbribed burgesses of this borough, against Mr. Morley to the above effect, &c.

Nov. 27. The House proceeded in hearing the matter of the said charge and also the petition. and a motion made and the question put, "That George Morley, esq., is duly elected, which was disagreed to."

Ordered: "That leave be given to bring in a bill for the disfranchising this borough from electing members to serve in Parliament: and that Mr. Harley, Lord Mordaunt, and Mr. Scobell do prepare and bring in the bill."

Dec. 4. Mr. Harley presented the bill.

Dec. 11. The bill was read a second time, and committed.

Resolved: "The House will on Tuesday next resolve itself into a committee of the whole House upon the said bill."

Dec. 14. A petition of some of the inhabitants of this borough praying that the said borough may not be disfranchised, they submitting to such regulations as shall be thought necessary.

Jan. 19. The House resolved itself into a committee on the bill for disfranchising this borough.

Jan. 23. Mr. Harley reported the amendments made by the committee to the bill; which were agreed to by the House.

A clause was offered to be added to the bill, That all the freeholders, within the hundred of Downton, in the county of Wilts, shall have a right to vote for Parliament men for this borough, together with the present electors: and the same was read twice and agreed to.

Another clause was offered to be added to the bill, That no person, who, by virtue of any burgage or freehold lands, has a right to vote for a burgess for the borough of Downton, shall, by virtue of such burgage or freehold, be intitled to vote for a burgess for Hindon, and the same being read, was agreed to by the House to be made part of the bill.

Feb. 8. Resolved: "The bill do pass; and that the title be, an act for preventing bribery and corruption in the election of members to serve in Parliament for the borough of Hindon, in the county of Wilts."

Ordered: "That Mr. Harley do carry the bill to the lords, and desire their concurrence thereunto."

Mr. Harley carried the bill to the lords the same day; where it dropt.

Nov. 24, 1708. A petition of Reynolds Calthorp, esq., complaining of an undue return of Sir James How, and Mr. Lambert, by bribery by themselves and their agents.

Feb. 12. The House proceeded to hear the merits of the said election, Resolved: That Sir James How, bart., is not duly elected.

That Edmund Lambert and Reynolds Calthorp, esqrs., are duly elected.

Dec. 3, 1810. A petition of Reynolds Calthorp, esq., and George Morley, esq.

Withdrawn; and the House being informed from the said Mr. Calthorp that he waved his return,

Ordered: "That the double return be amended, by taking off the indenture whereby Mr. Calthorpe was returned."

March 4, 1713. A petition of Edmund Lambert, esq., complaining of an undue return of Richard Lockwood and Reynolds Calthorp, esq., by bribery and other illegal practices by themselves and agents.—No report.

March 26, 1715. A petition of George Wilcocks, esq., complaining of an undue return of Major-general Wade and Mr. Calthorp, by partiality of the mayor and other illegal practices.

March 20. Petition withdrawn.

Jan. 27, 1728. Henry Fox and George Fox, esqrs., petitioned.

April 12. Resolved: "That the right of election is in the Inhabitants of houses within the borough, being housekeepers not receiving alms; and that the sitting members are duly elected."

The right of election in this borough is in the bailiff and inhabitants paying scot and lot, the number of which is one hundred and ten. Shaftsbury, Arundel, Stockbridge, Cricklade, Ilchester, and this place, have exhibited the most flagrant acts of bribery and corruption before committees of the House of Commons, nearly similar in their circumstances, and equally injurious in their consequences to those which we have reported of

Shoreham, Cricklade, and Aylesbury ; though the three last are the only places to which an effectual remedy has been applied, by carrying the right of suffrage to such an extent of district, as shall increase the number of voters to an extent which the purse of an individual cannot reach.

The case of Hindon and Ilchester, are the only two in the present reign, in which the House of Commons have directed a prosecution against the sitting members, or petitioners ; and in this instance it appears to have been attended with singular hardship, as the promises made to the electors, on behalf of the sitting members, were, by an imprudent and unpardonable officiousness of their agents, without either the authority or knowledge of their principals ; and the petitioners upon their trial were acquitted.

The petitions were heard before a committee of the House of Commons, in the month of February, 1775. The sitting members were T. B. Hollis, esq., and General Smith ; the petitioners, Richard Beckford, esq., and James Calthorpe, esq. Reciprocal charges of bribery were made by each party, and substantially proved against the agents of both ; whereupon the committee determined,

“ That Richard Smith, esq., is not duly elected a Burgess to serve in this present Parliament for the borough of Hindon, in the county of Wilts.”

“ That Thomas Brand Hollis, esq., is not duly elected a Burgess to serve in this present Parliament for the said borough of Hindon.”

“ That James Calthorp, esq., one of the petitioners, is not duly elected a Burgess to serve in

this present Parliament for the said borough of Hindon."

"That Richard Beckford, esq., one of the petitioners, is not duly elected a burgess to serve in this present Parliament for the said borough of Hindon."

That the last election to serve in this present Parliament for the said borough was a void election.

At the same time Mr. Dundas acquainted the House, that in the course of the examination into the merits of the petition of James Calthorpe, esq., and Richard Beckford, esq., it having appeared to the committee, that the most flagrant and notorious acts of bribery and corruption had been practised; and that a very considerable majority of the electors of the borough of Hindon had been bribed and corrupted in a very gross and extraordinary manner; and that several others of the said electors had been concerned as agents for that purpose; the committee, desirous that the House might adopt such measures as may discourage, and if possible put an end to a practice so subversive of the freedom of elections, had directed him to lay before the House the whole of the evidence given before the said committee, with their opinions thereupon. And he read the report in his place, and afterwards delivered it in at the table, where the same was read; and the resolutions of the committee are as follows:

Resolved: "That it appears to this committee, that Richard Smith, esq., by his agents, has been guilty of notorious bribery, in endeavouring to

procure himself to be elected and returned a burgess to serve in this present Parliament for the borough of Hindon, in the county of Wilts."

The like resolution respecting Mr. Hollis.

Resolved: "That it appears to this committee, that James Calthorpe, esq., by his agents, has been guilty of notorious bribery, in endeavouring to procure himself to be elected and returned a burgess, to serve in this present Parliament for the said borough of Hindon."

Resolved: "That it appears to this committee, that Richard Beckford, esq., has, by his agents, endeavoured, by promise of money, to procure himself to be elected and returned a burgess, to serve in this present Parliament for the said borough of Hindon."

Resolved: "That it appears to this committee, that the Reverend John Nairn, of Hindon; Fasham Nairn, esq., late of Bury-street, St. James's; Francis Ward, of Sherborne-lane, London; Stevens, a butcher at Salisbury, commonly called Jobber Stevens, &c., &c., (in all thirteen, specified by name,) have acted as agents, and have been accessory to, and concerned in, notorious acts of bribery and corruption that have been practised at the last election for the said borough of Hindon."

Resolved: "That it is the opinion of this committee, that the House be moved for leave to bring in a bill to disfranchise the said borough of Hindon, in the county of Wilts."

The consideration of this report was adjourned till the 23d of February; and in the mean time,

an order was made that the Speaker should not issue his warrant for a new writ till the House proceeded to such consideration.

On that day it was ordered, "That leave be given to bring in a bill to incapacitate, from voting at elections of members of Parliament, one hundred and ninety persons by name, (including several of those mentioned in the fifth resolution of the committee,) out of two hundred and ten who had polled at the election; and for the preventing bribery and corruption in the election of members to serve in Parliament for Hindon."

Mr. Dundas, Mr. Byng, Mr. Elwes, and the other members of the committee, were ordered to prepare and bring in this bill; and in the mean time it was resolved, "That the Speaker should not issue his warrant to make out a new writ for a month longer."

On the 8th of March, Mr. Dundas presented the bill, which was read, and ordered to be read a second time on the 29th of that month. It was of course also ordered to be printed; and a printed copy of the bill, with the order for the second reading, was ordered to be served on all the persons named in it; and it was resolved, "That leaving them at their respective abodes should be good service."

The day following (the 29th of March) the order of the day being read, and the question being proposed for reading the bill a second time, the messenger, who had been charged with the service of the copies of it on the parties, was called to prove such service; and Thomas Spencer, one of the

persons named in the bill, was, at his own desire, heard on behalf of himself against the bill; then, in consequence of a motion for that purpose, the entry on the Journals of the House, of the 22d of March, 1722-3, and the 4th of April, 1723, of the proceedings of the House upon the bill for inflicting certain pains and penalties upon Francis, Lord Bishop of Rochester, was read; after which, the bill was read a second time; and it was resolved, "That it should be considered in a committee of the whole House, on the 5th of April, and that the petitioners against it should be heard before that committee by themselves or their counsel."

"That it be an instruction to the said committee of the whole House, that they have power to receive a clause, or clauses, for inflicting a suitable punishment on the said Richard Smith, esq., for his said offence."

It passed in the negative.

And the second resolution being read, and a similar question put respecting Mr. Hollis, that likewise passed in the negative; which being done, the House resolved itself into a committee of the whole House on the bill.

In this committee, it being proposed to call certain persons named in the bill, and incapacitated by it, to prove the allegations it contained, (for it had been debated and settled in the House, in some former stage of the business, that the evidence before the select committee, and reported by them, could not be admitted upon this occasion,) it was objected, that they, being parties, and like defendants in an indictment, could not,

without overturning the known rules of law and justice, he received as witnesses in this case. This objection produced a debate; and though it was treated as of no weight, by some gentlemen of the long robe, it was strenuously supported by others, and proved fatal to the bill; for all the persons who were capable of proving the facts, and who had proved them before the select committee, were themselves offenders, and named in the bill.

When the Speaker resumed the chair, on a motion of Mr. Dundas, leave was given to bring in a new bill, similar to the former, but leaving out the names of certain persons, who were intended to be made use of as witnesses; and Mr. Solicitor-general, Sir George Hay, Mr. Grenville, and Lord George Germaine, together with the members of the select committee, were ordered to prepare and bring it in.

On Wednesday, the 12th of April, Mr. Dundas presented this new bill; which being received, and read the first time, the House was moved, that the four first resolutions of the select committee should be read; and this being accordingly done, the 20th day of April was appointed for the second reading. A similar order to what had been made on the former occasion, was now made relative to the serving of the parties with copies; and orders were made severally, that Francis Mead, Thomas Spencer, John Becket, (*baker,*) John Becket, son of William, John Baldwin, William Crabb, Thomas Penry, Thomas Richardson, and Thomas More, persons named in the former, but omitted in this

bill, should attend the House at the time appointed for the second reading.

The order of the day being now read, the bill was ordered to be read a second time, and the counsel against it (Mr. Pepys for the petitioners incapacitated by the bill; Mr. Bearcroft for the other petitioners, electors of Hindon; and Mr. Macdonald for the Rev. Mr. Nairn) being called in, the bill was read a second time, and the petition of Thomas Howell and others was read, and counsel heard.

The bill was then committed to a committee of the whole House for the ensuing day; and the several petitions were referred to that committee, and the witnesses ordered to attend.

On Thursday the 27th of April, the petition of Thomas Howell and others, praying to be admitted witnesses, was referred to the committee of the whole House: and Mr. Elwes, chairman of that committee, reporting that Thomas Howell, on being examined in relation to the non-attendance of Thomas Spencer and John Becket, two of the witnesses who had been summoned, had grossly prevaricated, he was ordered to be committed to Newgate; and afterwards, Mr. Elwes reporting, that William Lucas, being examined before the committee, had grossly prevaricated, and given false evidence, he was ordered to be committed to the Gate-house.

A similar report, and the like order, were made, concerning Henry Chant; and Mr. Elwes reporting, that Spencer and Becket had attended the day before, in pursuance of the order of the House,

but had purposely kept out of the way, to avoid being served with the order for their attendance this day, they were ordered to be sent for in custody of the sergeant at arms: and an order being made for the House to resolve itself again, on the Tuesday following, into a committee of the whole House, for the future consideration of the bill, the orders for the attendance of the witnesses were renewed.

On Monday the 1st of May, Thomas Howell was ordered to be removed from Newgate to the Gate-house, having petitioned the House for that purpose.

On Tuesday the 2d of May, the sergeant at arms being called upon to give an account of what had been done, in relation to the taking Thomas Spencer, and John Becket, the messengers who were sent in search of them informed the House, that very strict inquiry had been made after them, but that they were not as yet taken: upon which the committee of the whole House, for the consideration of the bill, was put off till the Monday following; the orders for the witnesses were renewed; and it being suspected, from the testimony given by the persons who had been committed, that Mr. Smith and Mr. Fasham Nairn had been concerned in secreting Spencer and Becket, they were ordered to attend on the Monday.

On Monday the 8th of May, petitions were presented from Howell and Lucas, acknowledging their prevarications, which they said were unintentional; but alleging they had declared all they knew concerning Spencer and Becket, and de-

siring, on account of their poverty, and their having families to maintain, that they might be admitted to ask pardon at the bar of the House, and be discharged without the payment of fees.

These petitions were ordered to lie on the table.

The like information as on the Tuesday preceding, was given by the messengers who had been sent in search of them, concerning Spencer and Becket.

Mr. Smith and Captain Fasham Nairn were then examined, in relation to the non-attendance of Spencer and Becket ; after which, the order of the day, for the committee of the whole House on this business being read, it was resolved, " That it appeared to the House, that from the absence of Spencer and Becket, two material witnesses in support of the bill, it would not be expedient to proceed in it this session of Parliament."

It was then severally resolved, That the House would take the report of the select committee who were appointed to try the petition of James Calthorpe and Richard Beckford, esq., into further consideration as early as possible the next session ; that until then no warrant for a new writ should be ordered ; and that an humble address should be presented to the king, to issue a proclamation for apprehending Spencer and Becket, with the promise of a reward, so that they might be delivered into the custody of the sergeant at arms during this session of Parliament ; and this address was ordered to be presented by such members of the House as were members of the privy-council.

Then, upon motion for that purpose, the first

resolution of the select committee, as agreed to by the House on the 23d of February, was read; and then, upon a motion for that purpose, the following entry in the votes of the House, of the 5th of December last, was read.

Resolved: "That if it shall appear that any person hath procured himself to be elected or returned a member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against such person."

And an order made,

"That the attorney-general do forthwith prosecute Richard Smith, esq., for the said offence."

The second resolution was read in like manner, and the like order made, that the attorney-general should prosecute Mr. Hollis.

The third resolution being also read, a motion made, and the question proposed, that the attorney-general should prosecute James Calthorpe, esq., the previous question was put, and resolved in the affirmative; and then the like order was made for the prosecution of Mr. Calthorpe.

Lastly, the fourth resolution being read, it was ordered that the attorney-general should likewise forthwith prosecute Mr. Beckford.

The address for apprehending of Spencer and Becket was presented to the King, and the proclamation issued; but on Thursday, the 11th of May, they surrendered themselves; and, it being severally resolved by the House, "That they had purposely absconded, in order to avoid being served with an order for their attendance, as wit-

nesses, on a committee of the House," they were ordered to be committed to Newgate.

On the 8th of May, 1775, the House resolved to take the whole matter into their most serious consideration as early as possible in the next session of Parliament, and that, in the mean time, no warrant should be ordered for a new writ.

On the 31st of January, 1776, an order was made, that leave should be given to bring in a bill for the same purposes with the two which had been brought in during the former session.

Monday the 5th of February, the bill was brought in, and the second reading was fixed for the 19th.

Various petitions were presented by interested parties against the bill; who were heard by counsel; and after innumerable debates and adjournments, the House came to the following resolution—

Resolved: "That this House will, upon this day three months, resolve itself into a committee of the whole House, to consider further of the bill to incapacitate certain persons therein mentioned from voting at elections for members to serve in Parliament for the borough of Hindon, in the county of Wilts."

The reader will perceive, that by this resolution the bill was virtually thrown out; it was known that the session would be at an end long before the day appointed for taking it again into consideration; and all bills depending at the end of a session fall of course to the ground. If the House had intended to take up the affair in the suc-

ceeding session, they would have come to a like resolution with that of the 8th of May, 1775; but in truth there was no such design.

Mr. Douglas observes, that there would be great difficulty in fixing on the new class of voters, because the influence of different gentlemen of property in the neighbourhood of the place would have been more or less increased, or diminished, according as the freeholders of one, two, or more hundreds should have been admitted to a participation of the right of election. There was some danger therefore, that a law which, in its origin, was intended to be a public benefit, and to amend the constitution, might, in the end, turn out a mere job, and become subservient to the particular interest of certain individuals; in short, many who had at first promoted and supported the bill, began in the course of the session to alter their opinion with regard to it, or lost at least much of the zeal which they had formerly shewn for its success. On the different occasions when it was to be taken into consideration, there was often other business more urgent, and more generally interesting, to be discussed; and by the time that was finished, and the order of the day for the House to resolve itself into a committee on the Hindon bill called for, the greater number of members, already worn out by long attendance, were glad to leave the House: advantage was taken of this by some gentlemen, who, from the beginning, made no scruple of avowing their resolution of employing every means and every stratagem which the forms of procedure in the House of Commons should furnish, or au-

thorise, in order to defeat the bill. Forty members are necessary to constitute a House; and if it appear that there is not that number present, an immediate adjournment must take place. Whenever those gentlemen imagined the number present was under forty, they moved that the House should be counted; and in this manner the proceedings were, at several times, suddenly stopped; viz. on Thursday the 7th of March, on Wednesday the 27th of that month, and on Tuesday the 7th of May. Another art was practised with equal or even greater success: every possible objection to the admissibility of evidence was either raised by some member of the House, or taken by the counsel who attended at the bar, on the part of the persons who had petitioned against the bill; almost every such objection produced an argument, a debate, a question, and a division. Thus the progress of the business was clogged and retarded so very effectually, as to make even those who continued the most anxious promoters of it, despair of ever bringing it to a conclusion; insomuch, that at length, by a sort of tacit agreement of all parties, the whole was dropped on the 8th of May, 1776, and a new writ ordered to be issued for the electing of two burgesses to serve in Parliament for the borough of Hindon, by which means the fate of Shoreham and Cricklade was avoided.

Peckwell,
vol. i. p.
376, note.

Richard Beckford, esq., petitioned against the election of Richard Smith, esq., in 1776. A committee to try this case was chosen Jan. 27, 1777. The evidence for the petition consisted in the ori-

ginal petitions in 1774, the proceedings in the House of Commons upon the special report of the select committee, the conviction of, and judgment against, Mr. R. Smith for bribery, and the acquittal of Mr. Beckford, the petitioner; the minutes of the former committee, from which the evidence of the witnesses was read as original evidence for the present petitioner, and the proceedings at the election of 1776. Mr. R. Smith had caused his brother, Mr. Jos. Smith, to be proposed during the election: Mr. Jos. Smith had also a majority over Mr. Beckford. The return of H. Dawkins, esq., the other sitting member, was not questioned. Mr. Beckford stated in his petition, that he had a majority both over Mr. Richard and Mr. Joseph Smith. On the 29th of January, the election of one burghess was declared void.

May 7, 1784, a number of voters presented a petition against the election of Lloyd Kenyon, esq. Only one of the petitioners could write. Ordered to be heard that day four months.

May 18, 1784. A petition of Edward Cotford and A. Perhouse, esqrs.

CORPORATION.

None.

RIGHT OF ELECTION.

April 3, 1701. Is in the Bailiff, Burgesses, and such Inhabitants only as pay scot and lot.

May 13, 1701. Is in the Inhabitants of the said Borough not receiving alms.

Agreed to by the House.

April 12, 1728. Is in the Inhabitants of houses

within the said borough, being Housekeepers and Parishioners, not receiving alms.

NUMBER OF VOTERS—110.

RETURNING OFFICER—the Bailiff.

PROPRIETORS—Lord Calthorpe and William Beckford, esq.

POLITICAL CHARACTER.

The representative history of this borough will enable the reader to form a pretty accurate idea of the state of corruption prevailing in all other boroughs. Some of them conduct the business with more caution and secrecy, and others have been fortunate enough to escape the same exposure by the disinclination that naturally arises from a dread of the enormous expense that an unsuccessful candidate incurs in bringing these enormities before a competent tribunal.

Hindon is now become the joint property of Lord Calthorpe, who is lord of the manor, and appoints at his court-leet the bailiff, and William Beckford, esq., of Fonthill Abbey, but we have not yet learned that it is become more immaculate, as the voters continue to receive a certain sum of money at every election.

WESTBURY.

WESTBURY, a borough, market-town, and parish, in the hundred of the same name, Wilts, contains 344 houses and 1,837 inhabitants. It has a considerable traffic in malting, and a manufacture in broad cloth. Market on Friday. Fairs, first

Friday in Lent, and Easter Monday, and Whit-Monday.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament 27th of Henry VI.

PETITIONS, &c. May 9, 1571. Thomas Longe, gent., who was returned for this borough, and who was deemed not of sufficient capacity to serve in Parliament, confessed that he had given Anthony Garlande, mayor of Westbury, and one Watts of the same town, the sum of four pounds for that place and room of burgess-ship; and it was ordered by the House that the said Garlande and Watts should immediately repay the said T. Longe the said sum of four pounds, and also that a fine of twenty pounds be, *by this House*, assessed upon the corporation of the said town, to the queen's majesty's use, for the said lewd and slanderous attempt; and that the said T. Longe, his executors and administrators, shall be discharged against the said A. Garlande and Watts, their heirs, &c., for all bonds made by the said T. Longe touching the discharge of the said place of burgess-ship.*

1 Journ.
p. 8.
Glenbervie,
v. ii. p.
401-2.

Lord Mansfield is reported to have said, when informed of this case, that the fine could not be imposed by the House of Commons, but by the Star Chamber.

Feb. 21, 1677. A petition of William Trenchard, esq., complaining of an undue return for this borough.

* This is the first instance of bribery that occurs in the History of the House Commons.

May 6, 1678. Sir Thomas Meeres from the committee reported, that they had considered the said matter, and resolved :

“ That the present return of Henry Bertie, esq., is a good return.”

May 23. The petition of William Trenchard, esq., and Edward Norton, esq.

Nov. 26. Sir John Trevor reported from the committee four resolves, viz.

“ That Henry Bertie, esq., is not duly elected.”

“ That Richard Lewis, esq., is not duly elected.”

“ That W. Trenchard, esq., is duly elected.”

“ That Edward Norton, esq., is duly elected.”

Oct. 24, 1702. A petition of Henry Bertie and Robert Bertie, esqrs., complaining of an undue return of William Trenchard and Thomas Phipps.

Dec. 1. Mr. Bromley reported, that the committee resolved :

“ That the tenants of burgage-houses by lease for years absolute have a right to vote at the election of members to serve in Parliament for this borough.”

That the petitioners' counsel excepted to several who did not reside in the borough at the time of the election. After which they proceeded to the proving of bribery, when many witnesses were called.

Resolved: “ That William Trenchard and Thomas Phipps, esqrs., are not duly elected.”

“ That Henry Bertie and Robert Bertie, esqrs., are duly elected.”

There having been a double return in 1715, viz. Henry Bertie, Francis Annesley, George Evans,

and Charles Alanson, esqrs. ; after much debate, the committee resolved : “ That the right of election of members to serve in Parliament for this borough is in every tenant of any burgage-tenement in fee for life, or ninety-nine years determinable on lives, or by copy of court-roll, paying a burgage rent of four-pence, or two-pence yearly, being resident within the borough, and not receiving alms.”

After which, many witnesses were called to disqualify votes, and to prove bribery and other corrupt practices ; amongst whom Samuel Sweetland said, that Zachariah Bailey, who made interest for the petitioners, told him there were two gentlemen sent down by the Lord Chancellor Cowper, and now was the time to do his family service : he offered the witness thirty guineas to vote for the petitioners ; and said, if that was not enough, he should have forty or fifty ; and if the witness would engage his brother-in-law, Michael Goddard, Bailey promised him 1000*l.* security, that he should have a place in the Stamp-office which Gibbs formerly had ; and said, that it now laid in the Lord Chancellor’s breast to dispose of that office. Bailey likewise said to him, that the Lord Chancellor could turn out what justices of the peace he pleased ; and that Mr. Long would be put out, and Mr. Bennet put in ; that Mr. Long made interest for the sitting members, and Mr. Bennet for the petitioners ; that Mr. Bennet has a parsonage at Westbury of 3 or 400*l.* yearly.

Resolved : “ That Mr. Bertie and Mr. Annesley are not duly elected.”

"That the Right Hon. George Lord Carbery and Charles Allanson, esq., are duly elected."

George, Lord Carbery, and Thomas Bennet, esq., petitioned against the election of James Bertie and Francis Annesley in 1722. The sitting members were voted duly elected 1724.

Luders,
v.iii. p.156.
21 Journ.
p. 192.

Sir John Lambert, bart., and Henry Cornish, esq., petitioned in 1727; the latter died. The petition being renewed the following session in the names of both, but signed only by the survivor, the committee was ordered to proceed on the petition, as far as it related to the latter, who afterwards withdrew it.

In 1734-5, James Bertie, esq., petitioned, but omitted to give in his qualification as required.

March 16, 1747. John Bance and Paul Methuen, esqrs., were declared not duly elected.

CORPORATION

Consists of a mayor, recorder, and twelve burgesses.

RIGHT OF ELECTION.

Dec. 1, 1702. "The tenants of burgage houses by lease, for years absolute, have a right to vote."

June 1, 1715. "Is in every tenant of any burgage tenement in fee, for lives, or ninety-nine years, determinable on lives, or by copy of court-roll, paying a burgage rent of fourpence or twopence yearly, being resident within the said borough, and not receiving alms."

NUMBER OF VOTERS—24 nominally, but actually only one.

RETURNING OFFICER—the Mayor.

PROPRIETOR—Sir Manasseh Lopez, bart.

POLITICAL CHARACTER.

The right of election in this borough is of a particular nature, being in every tenant of any burgage tenement in fee, for lives, or ninety-nine years, determinable on lives, or by copy of court-roll, paying a burgage-rent of fourpence, or twopence yearly, being resident within the said borough, and not receiving alms. There are three kinds of burgage-holds; viz., freehold, copyhold, and leasehold. In some places the proprietor of the burgage-hold only has a right to vote; in others, it is in the tenant or occupier of such a tenure; so that the same perplexities and doubts which arise, as to the right of voting in corporation boroughs, happen also in places of this description.

These burgage-tenures were all, except two, the property of the Earl of Abingdon, who, previous to the last general election in 1812, sold them to Sir Manasseh Lopez, who nominates both the members.

The price of these rotten conveyances has been said to be seventy-five thousand pounds, and Sir Manasseh has had to rebuild most of the tottering fabrics since his purchase, as residence is a necessary qualification at this place, the same as at Haslemere in Surrey, for those who are made freeholders for an hour, to enable them to perform their respective parts in the election farce.

These nominal electors are never trusted with

Peckwell,
v. i. p. 309.

the possession of the deeds for which they vote: they are generally brought in a bag to the place of election by an attorney, and carried back to the borough proprietor in the same manner. This is the custom at East Grinstead, Haslemere, Petersfield, Midhurst, and all the burgage-tenure and freehold boroughs which send members to Parliament.

HEYTESBURY.

HEITSBURY, or HEYTESBURY, is a borough in the hundred of Heitsbury, Wilts, standing on the river Whilley, four miles from Warminster, and $92\frac{1}{2}$ from London; containing 196 houses and 1,072 inhabitants, of whom 611 were returned as being employed in various trades and manufactures. Of late years a considerable woollen manufacture has been established here, which has much increased its population. It formerly had a market, and has now a fair on May 14 for cattle.

REPRESENTATIVE HISTORY.

This borough never sent members to Parliament till the 28th of Henry VI., and from thence to this time.

PETITIONS, &c. Sergeant Carleton reported from the Committee of Privileges and Elections, touching the return for this borough, That Sir Charles Berkley and Henry Coker, esq., are returned by one indenture, and Sir Joseph Ash and John Jollyffe, esq., by another; and that it was

the opinion of the committee, "That neither of the returns were good; and that a new writ do issue:" whereto the House agreed.

CORPORATION

None.

RIGHT OF ELECTION

In the Burgage-holders.

NUMBER OF VOTERS—50 nominally, but actually only one.

RETURNING OFFICER—the Lord's Bailiff.

PROPRIETOR—Sir William Ashe A'Court, bart.

POLITICAL CHARACTER.

This place, which was formerly a market-town, but is now only a village, sends two members to Parliament, who are returned by a few burgage-holds, which are all the property of Sir William Ashe A'Court, bart., whose residence is near this borough; while the town of Warminster, with a thousand houses and five thousand inhabitants, within four miles of this place, has no such privilege, but the unpleasant reflection of being situated at an equal distance between two rotten boroughs, Heytesbury and Westbury, at each of which an individual can return two members to Parliament, who have the power of imposing the taxes they must pay, and making the laws by which they are to be governed.

Heytesbury was entirely burnt down in the year 1766, but that catastrophe did not suspend the return of members to Parliament. Like Old

Sarum, it retained the functions of political life, after the body had been annihilated. Since that time it has been rebuilt to its former extent.

CALNE.

CALNE is a borough and market-town in Wilts, $5\frac{1}{2}$ miles from Chippenham, and 91 from London; containing 775 houses and 3,767 inhabitants, of whom 1,977 were returned as being employed in trade and manufacture, principally that of the clothing branch. The chief manufactory here is cloth. Market on Tuesday; fairs, 25th April and 21st July.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament 23d Edward I., ceased sending except 1st Edward II., and 34th and 36th Edward III., till Richard II.; since which it has continued to return to this time. Its representatives were elected in the county court in 1st Henry V., as appears by the return for the county of that year.

PETITIONS, &c. Nov. 9, 1605. In the journal of this day it is thus recorded—"Weak, and not able to serve, by reason of age, and not likely to recover:—Swaddon, for Calne in Wiltshire. To be removed."

Question, Whether Swaddon, for Calne, shall be removed?—Resolved, "He shall."

March 16, 1678. A petition of Henry Chevers, esq., complaining of an undue return of Sir George Hungerford and Walter Norborne, esq.

A petition of John Lawford, esq., to the same effect.—No report.

May 23, 1685. A petition of the burgesses of this borough, complaining of an undue return of Sir John Ernle, and Thomas Webb, esq.—No report.

Nov. 6, 1691. A petition of Sir George Hungerford against the return of Wm. Wyndham, esq.

Dec. 29. — Sergeant Trenchard reported, the right of election appeared to be in the burgesses, inhabitants within the said borough; and the question was—Who had the majority of these voters?

Upon the whole the committee resolved, “That William Wyndham, esq., is duly elected.”

Feb. 14, 1700. A petition of Edward Baynton against Walter Long, esq.—No report.

Jan. 9, 1701. A petition of Sir Charles Hedges, complaining of an undue return of Edward Baynton, esq.

15th. A petition of Edward Baynton, esq., against the return of Sir Charles Hedges.

March 12. Sir Rowland Gwyn reported, That the right of election is in the ancient burgesses: the right of returning in the two stewards; the senior has the custody of the seal, and the junior the books.

That the senior voted for Mr. Baynton, and put the common seal to the return.

That the junior was for Sir Charles Hedges, who is returned under the hand and seal of the said steward and burgesses.

That the numbers on the poll were eight each.

It was insisted, on both sides, that indirect practices had been used.

Upon the whole resolved, "That the said election is void."

Nov. 2, 1705. A petition of the Right Hon. Sir Charles Hedges, knt., and John Kirle Ernly, esq., complaining of an undue return of Edward Baynton and George Ducket, esqrs.—No report.

Nov. 27, 1708. A petition of the Right Hon. Sir Charles Hedges, knt., against George Ducket, esq., complaining of indirect practices, &c.

In 1710, there was another double return, viz. Edward Baynton and George Ducket, esqrs., and James Johnston and William Hodges, esqrs., the two latter of whom petitioned.

After much debate upon the whole, the committee resolved,

"That the right of election is in the Inhabitants of the said borough, having a right of common and sworn at Ogborn court."

"That James Johnston and Wm. Hedges, esqrs., are duly elected:" whereto the House agreed; and Mr. Ducket's and Mr. Baynton's indenture ordered to be taken off the file.

March 26, 1715. A petition of Walter Hungerford, and Samuel Robinson, esqrs., against Sir Orlando Bridgeman and Richard Chiswell.

A petition of Henry James and John Clark, on behalf of themselves and other inhabitants of the said borough, to the same effect.—May 9th. Petitions withdrawn.

Oct. 18, 1722. A petition of Sir Orlando Bridgman, bart., complaining of an undue return

of Benjamin Hoskyns Styles, by partiality of the guild-stewards of the said borough.—Jan. 18, 1723. Petition withdrawn.

Feb. 24. A petition of Samuel Seager, Charles Webb, and several others, inhabitants of this borough, having a right of common there, and being sworn at Ogborn court.

March 11. Another petition to the same effect.

After hearing this case, upon the whole the committee resolved,

“That the right of election of burgesses to serve in Parliament for this borough, is in the ancient burgesses of the said borough only.”

“That the right of returning burgesses to serve in Parliament for this borough, is in the guild-stewards of this borough.”

Jan. 23, 1735. Guild-stewards petitioned. Renewed second sessions.

CORPORATION

Consists of an indefinite number of burgesses, out of which two guild-stewards are annually chosen.

RIGHT OF ELECTION.

See Representative History.

NUMBER OF VOTERS—17.

RETURNING OFFICERS—two Guild-stewards.

PATRON—Marquis of Lansdown.

POLITICAL CHARACTER.

This borough has had the honor of being represented in three Parliaments by two of the most eloquent and distinguished patriots of the present

age, John Dunning, esq., afterwards Lord Ashburton, and Colonel Isaac Barré.

The influence which formerly prevailed here, was that of Thomas Duckett and Daniel Bull, esqrs., who were both members for this place, but since the year 1762, it has been under the patronage of the Marquis of Lansdown, and his successors, whose residence is at Bow Wood Park in this neighbourhood.

The number of householders in this town is upward of seven hundred. The number of voters only seventeen. While we lament the existence of this grievous inequality of election rights, we owe to justice the acknowledgment, that the corporation at this place is more independent, and consequently more respectable, than in most other boroughs. When the late John, Marquis of Lansdown, endeavoured to prevail on them to remove Mr. Jekyll from the representation of this town in 1807, the corporation approving of his conduct in Parliament, and the opposition he maintained to the measures of the present ministers, positively refused to obey his lordship's dictation, and re-elected Mr. Jekyll, as we understand, free of all expense.

DEVIZES.

DEVIZES is a market-town and borough, comprising three parishes, in the hundred of Pottern, and Canning, Wilts, six miles from Market Lavington, and 90 from London; containing 890

houses and 4,851 inhabitants, being 2,154 males and 2,697 females, of whom 1,705 were returned as being employed in trade and manufacture, principally of druggets, kerseymeres, and malting. The markets are on Mondays for butchers' meat, on Thursdays for horses, cattle, corn, wool, provisions, poultry, &c. Its fairs are on the 13th February for horses: on the 20th April and on Holy Thursday for cattle; on the 13th June, 5th July, 2d and 20th October, for cattle, hops, cloth, pedlary, &c.

REPRESENTATIVE HISTORY.

This borough was incorporated by King Charles I., but represented in Parliament in the time of Edward I.; only in the 1st, 8th, and 19th of Edward II.; and then from the 4th of Edward III. to this time, as other boroughs have done. Its representatives were, 2d Henry VIII., chosen in the county courts.

PETITIONS, &c. April 27, 1660. Mr. Turner reported from the Committee of Privileges and Elections the matter relating to the double return for this borough, That William Lewis and Robert Aldworth, esqrs., are returned by the mayor under the common seal; and William Lewis and John Norden by the burgesses only.

Resolved, "Mr. Aldworth is duly elected."

March 22, 1678. A petition of the common-councilmen and inhabitants of this borough, complaining of undue and illegal practices used by the mayor of the said borough, in returning Sir Edward Baynton and Sir Walter Ernly.—No report.

March 24. A petition of Sir Edward Hungerford and John Eyles, esq.—No report.

Jan. 22, 1688. A petition of Sir John Eyles and William Trenchard, esq., complaining of an undue return of burgesses for this borough.

March 21. Colonel Birch reported from the committee, That the question was, whether the right of election was in the mayor and burgesses, as a select number, or in the burgesses at large?

Upon the whole the committee resolved,

That the right of election of burgesses to serve in Parliament for this borough is in the mayor and a select number of the burgesses of the said borough only."

"That Sir William Pynsent, bart., and Walter Grubb, esq., are duly elected."

March 24, 1689. A petition of the burgesses of this borough, complaining of an undue return of Sir Thomas Fowle, by Richard Hillier, the present mayor.

March 27, 1690. A petition of John Methuen, esq., complaining of an undue return of Sir Thomas Fowles and Mr. Grubb.

— 29. Mr. Grey reported, touching the double return, That the committee, upon inspection of the precept and both returns, found that the precept was directed by the sheriff to the mayor of the Devizes.

That Sir Thomas Fowles and Walter Grubb, esq., are returned by the mayor, but without any burgesses joining in the return.

That John Methuen, esq., and Walter Grubb,

esq., are returned by several of the burgesses without the mayor.

Resolved: "That Sir Thomas Fowles and Walter Grubb, esq., are duly returned."

Oct. 6. The same petition, as to the election of Mr. Methuen was read.

Dec. 22. Mr. Grey reported, That the right of election appeared to be in the free burgesses of this borough, and that there is, in the said borough, a mayor, recorder, twelve major capital burgesses, and twenty-four minor capital burgesses, which are in the nature of a common-council.

Richard Hope said the poll was for Sir Thomas Fowles 23, and for petitioner 36.

Upon which a question arose as to qualification of voting, it being stated, that not taking the oaths appointed to be taken by the officers before the 1st of August, was a good exception, and that, upon scrutiny, it appeared nine of Mr. Methuen's voters had taken the oaths, and five others had not signed the declaration of the test, and that only three of Sir Thomas Fowles's had not taken the oaths, and one who had not signed.

Bollis said the poll was,

For Mr. Methuen 36

Sir Thomas Fowles 31

Francis Paradice and two others said, the recorder declared his opinion, that the free burgesses were not obliged to take the oaths.

Bundy said, the quarter sessions were adjourned several times, for the swearing of the free burgesses.

Upon the whole, the committee resolved,

“ That Sir Thomas Fowles is duly elected.”—
But this resolution was, on the second reading,
disagreed to by the House.

Resolved, “ That John Methuen, esq., is duly
elected.”

Dec. 7, 1695. A petition of Sir Francis Child,
knt., against the return of John Methuen, esq.—No
report.

Jan. 8, 1706. A petition of Thomas Webb,
sergeant at law, against the return of Josiah Dis-
ton, esq.—29th. Petition withdrawn.

Nov. 27, 1708. A petition of Thomas Webb,
sergeant at law, complaining of an undue return
of Paul Methuen, esq.—No report.

Dec. 1, 1710. A petition of Sir Francis Child,
knt., and Thomas Webb, esq., upon a double re-
turn, complaining of an undue return of Paul
Methuen and Josiah Diston, esq., Blackwell-hall
factors.

Resolved, “ That Sir Francis Child, knt., and
Thomas Webb, esq., are duly elected.”

March 5, 1713. A petition of Josiah Diston
and Francis Eyles, jun., complaining of an undue
return of Robert Child and John Nicholas, esqrs.,
by undue practices of themselves and their agents.
—No report.

Jan. 28, 1720. A motion was made, and the
question proposed, that Francis Eyles, esq., a
member of this House, for this borough, is guilty
of a notorious breach of trust, as a director of the
South Sea Company, and thereby occasioned a very
great loss to great numbers of his Majesty's sub-
jects, and highly prejudiced the public credit.

Resolved, "That the said Francis Eyles, esq., is guilty, and be, for the said offence, expelled this House."

CORPORATION,

By charter of King Charles I., consists of a mayor, recorder, ten magistrates, and twenty-four common-council-men, who have liberty of making what burgesses they please, all of whom have votes in elections of members to Parliament.

RIGHT OF ELECTION

March 21, 1688. Is in the mayor, and select number of burgesses only.

NUMBER OF VOTERS—about 60.

RETURNING OFFICER—the Mayor.

PATRONS—Joshua Smith, esq., and Thomas Grimstone Estcourt, esq.

POLITICAL CHARACTER.

This is another corporation borough, like Calne, but not equally independent. This town, which is the largest in the county, next to Salisbury, has its right of election, like that city, confined to a select body, consisting of a mayor, recorder, ten magistrates, and twenty-four common-council, who have a power to make any number of burgesses they please, all of whom have votes with them in electing members of Parliament; but care is taken not to let the number of burgesses exceed that of the corporation who creates them.

This select body is under the control and management of Mr. Salmon, an eminent banker and attorney of this town, who has again adopted

Joshua Smith, esq., of Stoke, and Thomas Grimstone Estcourt, esq., of New Park, in the neighbourhood, for their patrons and members.

Devizes has nine hundred houses but not more than sixty voters. It was formerly under the influence of James Sutton, esq., of New Park, whose daughter and co-heiress married Mr. Estcourt one of the present patrons.

CHIPPENHAM.

CHIPPENHAM is a borough and market-town in the hundred of Chippenham, Wilts, 13 miles from Bath, and 97 from London; containing 667 houses and 3,366 inhabitants, of whom 1,416 were returned as being employed in various trades, &c. The corporation holds a considerable estate in trust for the benefit of the freemen, after the expenses of the bridge, and a pitched causeway near two miles long, are defrayed. The markets on Saturdays are well supplied with all kinds of provision and great quantities of corn. Its fairs are 17th May, 22d June, 29th October, and 11th December.

REPRESENTATIVE HISTORY.

This borough sent members to Parliament in the reign of Edward I., but sent only to two of Edward II. Parliaments and four of Edward III., intermitted sending till the second Richard II. and again ceased sending after the 12th of his reign till the first of Henry VI. since which it has sent

as other boroughs. It was incorporated by Queen Mary.

PETITIONS, &c. In the thirty-ninth of Henry VI., Walter Clerk representative of this borough was imprisoned for a fine of 40*l.* to the King, and also in other sums owing to private persons, and also upon an out-lawry at the suit of one of the said persons; whereupon the Commons petitioned the King to have his privilege allowed; to which the King assented and ordered it, as appears by the rolls.

In the fourteenth of Edward IV., William Hyde, esq., a representative of this borough, was arrested on a *capias ad satisfaciendum* at the suit of John Marshall for 69*l.* and detained in execution in Newgate, London, for the same, and afterwards brought before the justices of the King's Bench, who remanded him, and would not allow his privilege; whereupon the Commons petitioned the King in Parliament and had the privilege allowed as appears in the rolls.

April 9, 1624. Mr. Glanville reported a double return. One between the sheriff and bailiff by name: to this 38 seals. Here returned Charles Maynard and Sir Francis Popham, Charles Maynard amended. The other indenture made between the sheriff and the other burgesses: seven seals to this. Here Mr. Maynard returned and Mr. Pym, so that nothing to be done, but that indenture withdrawn; and then Mr. Charles Maynard.

Resolved: "That the new charter alters not the custom; and that the burgesses and freemen more than 12 have voice in the election."

Resolved: "That Sir Francis Popham is duly elected, and that the void indenture be withdrawn."

May 17, 1661. Sergeant Carleton reported double return, that Edward Hungerford, esq., and Henry Baynton, esq., are by one indenture and Sir Hugh Speke, bart., by another.

May 20. Sergeant Carleton reported that no due notice was given for the election, and that the election for this borough is void.

Resolved: "That the bailiff of Chippenham be sent for in custody of the sergeant at arms, to answer his miscarriage at the election, and his insolent carriage before the committee.

Feb. 13, 1672. A petition of Vere Bertie, esq., complaining of an undue return of Mr. Francis Gwyn made by the bailiff of this borough.

Resolved: "That Mr. Francis Gwyn is duly elected."

Dec. 16, 1690. A petition of Sir Humphrey Edwyn complaining of an undue return of Sir Basil Firebrass, by Mr. Lord, bailiff of this town, as murdering one of the petitioner's messengers, and bribing the electors, &c.

Oct. 27, 1691. Another petition of Sir Humphrey Edwyn's to the same effect.

Upon the whole resolved, "That Sir Basil Firebrass and Sir Humphrey Edwyn are not duly elected, and the election to be void.

Dec. 29, 1691. Sir Basil Firebrass, the sitting member had sixty voices; Mr. Talmash, the petitioner only forty-four. Bribery was imputed to the sitting member; but only fourteen of his votes

were objected to, and the objections to seven were given up, so that, deducting the other seven, he remained with a considerable majority; the House resolved, Jan. 22, 1692, "That Sir Basil Firebrass, by himself or agents, had been guilty of bribery, and was not duly elected, and that Mr. Talmash was duly elected."

Dec. 1, 1691. Mr. Sergeant Trenchard reported, "That the right of election appeared to be in the occupiers of certain ancient houses called free-houses, or burgage-houses : of the names of which houses, both men and women, a register has been used to be kept in the said town." 98 Journ. p. 568. Peckwell v. i. p. 263—4.

Jan. 22, 1691-2. Mr. Sergeant Trenchard reported, "That the right of election was agreed to be in the possessors of the burgage-house inhabiting within the same." Ditto. 10 Journ. p. 637.

Jan. 5, 1695. Mr. Boyle reported, "That the right of election was agreed to be in the freemen and inhabitants of the borough-houses." Peckwell, vol. i. p. 263—4. 11 Journ. p. 198.

Resolved : "That Richard Long, esq. is duly elected."

Dec. 1, 1710. A petition of Francis Popham, jun., complaining of an undue return of Joseph Ash, esq., by notorious bribery, &c., whereupon the said Joseph Ashe, esq., was found not duly elected, and Francis Popham, jun., esq., duly elected. The right of election was agreed (before the committee) to be in the bailiff, burgesses, and freemen, being occupiers of burgage-houses. Peckwell, vol. i. p. 263—4. 16 Journ. p. 556.

March 5, 1713. A petition of Sir James Long, bart.—No report.

1715. John Baynton and John Norris, esqrs., petitioned, withdrawn.

1722. John Pitt, esq., petitioned against Thomas Boucher, esq., for bribery, &c.

1723. Again read and referred.

Peckwell,
vol. i. p.

264—268.

Glenbervie,
vol. i. p.

329—340.

24 Journ.,
p. 65.

In 1740, Alexander Hume and John Frederick, esq., petitioned against the return of Sir Edmund Thomas, bart. and Edward Bayntun Rolt, esq. On a hearing, Jan. 28, 1741, the last determination of the House, made April 9, 1624, was read. A motion was made, "That the words burgesses and freemen, mentioned in the said resolution, mean only such burgesses and freemen as are inhabitants, householders of the ancient houses called free or burgage-houses, within the said borough." It passed in the negative, 236 to 235, majority *one* in favour of the sitting members. Feb. 2, a motion being made, "That the counsel be now called in, and directed to proceed according to the last determination made, April 9, 1624, it passed in the affirmative, 241 to 225: upon which the House was informed, that the petitioners desired not to proceed in their contest with the sitting members, who were thereupon voted duly elected."

Upon this determination, Sir Robert Walpole withdrew from the House, and resigned his employments.

Peckwell,
vol. i. p.

262—285.

John Maitland, esq., and several of the electors, petitioned against the return of Charles Brooke, esq., Nov. 24, 1802. A committee to try this case was chosen March 10, 1803. Each of the petitions contained a charge against the returning officer of an improper admission and rejection of

votes ; a claim to the majority of votes in favour of Mr. Maitland, and an allegation of bribery against Mr. Brooke. The numbers on the poll were, for Mr. Brooke 59—Mr. Maitland 57.

On March 28th, the chairman of the committee reported to the House, that Charles Brooke, esq., was not duly elected, and ought not to have been returned ; and that John Maitland, esq., was duly elected and ought to have been returned ; that the petitions were not frivolous or vexatious. The return amended accordingly.

March 26, 1804. A petition was presented from certain inhabitants of Chippenham, paying or liable to pay scot and lot there, praying to be permitted to oppose the right of petition reported to the House by the select committee, March 28, 1803. A petition was presented, April 13, by other persons, praying to be permitted to defend the said right. These petitions were taken into consideration, May 18, 1804, on which day no counsel or agents, or party, appearing on the part of the first petitioners, the orders for taking the said petitions into consideration was discharged.

In 1806, James Dawkins, esq., petitioned against the election of Charles Brooke, esq. On Feb. 23, 1807, the committee who tried this case determined, that Charles Brook, esq., was not duly elected, and ought not to have been returned. That J. Dawkins, esq., was duly elected, and ought to have been returned, and that the opposition of Charles Brooke, esq., was not frivolous or vexatious.

In 1807, James Dawkins and William Blake, esqrs., had an equality of votes.

Mr. Dawkins declared duly elected.

CORPORATION.

By charter of Queen Mary, it is governed by a bailiff and twelve burgesses.

RIGHT OF ELECTION

In the Bailiff, Burgesses, and Freemen, being householders of, and resident in, the ancient burghage-houses within the borough.—March 28, 1803.

NUMBER OF VOTERS—128.

RETURNING OFFICERS—the Bailiff.

PROPRIETOR—John Maitland, esq., and Charles Brooke, esq.

POLITICAL CHARACTER.

Chippenham has within its limits six hundred and sixty-seven houses, but only one hundred and twenty-eight of that number enjoy the right of voting for members of Parliament. An attempt was made in the year 1624 to confine this right to the bailiff and twelve burgesses, which was negatived by the committee. A similar motion to deprive the freemen of Malmesbury who were near two hundred in number, of the right of voting, and to limit the same to an alderman and twelve capital burgesses in 1702: passed in the affirmative.

It is difficult to account for these contradictory

determinations respecting two ancient boroughs which had sent members from the earliest period, by a similar right of election in the neighbourhood of each other, but it becomes a matter of more serious reflection when we find the same contradiction in the resolutions which respect the right of voting in the same borough. It frequently occurs in the decisions of committees, that the right of election has been differently determined in the same Parliament, as was the case at Saltash and Steyning, where two members were sitting at the same time chosen by different bodies of electors, and in other boroughs we find the same determinations to be five, six, and seven times, at variance with each other. It therefore appears that there is no such thing as a constitutional right of election existing in any place, if we except the counties where the right of election was in the householders, till the statute of the 8th of Henry the Sixth limited it to "people dwelling and resident," and having "land or tenement to the value of forty shillings by the year," which has since been further limited to *freeholders* of forty shillings per annum, and the clause requiring dwelling and residence has been omitted.

The right of election in this borough was contended by Mr. Brooke the present member in 1803, to be in the bailiff and burgesses at large, and that those terms comprehended the inhabitants within the borough, paying or liable to pay the poor's rates.

The word *burgesses* has always been admitted to mean *inhabitants* of a borough, and has been so

determined in the Abingdon and other cases. In this instance however it was resolved to mean only such inhabitants as resided in ancient burgage-holds, or houses built on a certain number of ancient foundations.

Under this description of voters a curious circumstance occurred. One person had rebuilt his house not exactly in the form, or on the same foundation, by exact measurement on which the former house stood, and his vote was allowed by the committee to be *good*.

In 1807 there was an equality of votes for James Dawkins, esq., and William Blake, esq., when a second committee determined the same vote to be *bad*. In both cases the same man's vote determined the right to the seat in favour of the ministerial candidate.

This contest between Mr. Brooke, on one side, and Mr. Maitland and Mr. Dawkins on the other, is said to have cost the parties sixty thousand pounds, and occasioned Mr. Dawkins to sell his burgage property. Mr. Brooke and Mr. Maitland have since agreed on a compromise, and each returns a member.

MALMESBURY.

MALMESBURY is a borough, market-town, and parish in Wilts, 12 miles from Cricklade, and 95 from London; containing 198 houses, and 1,027 inhabitants, of whom 83 were returned employed in trade. The market is on Saturday. Fairs, 17th March, 17th April, and 26th May.

REPRESENTATIVE HISTORY.

This borough has sent members *ab origine*. The members were elected in the 1st and 2d of Henry the Fifth, in the county court, as appears by the indenture for the county.

PETITIONS, &c. Jan. 7, 1673. A petition of Thos. Howard, esq., complaining of an undue return of Thomas Estcourt, esq., by Edward Browne, alderman and chief officer of this town.

May 11, 1675. Sir Thos. Meres reported concerning this election, That Sir Thos. Estcourt is well elected.

April 1, 1690. A petition of Craven Howard, esq., and Sir Thos. Estcourt, complaining of an undue return of Edward Wharton, esq., and Sir James Long.—No report.

Dec. 12, 1698. A petition of Craven Howard, esq., complaining of an undue return of Mr. Michael Wicks and Mr. Edward Pauncefort, by divers indirect and corrupt practices of Wm. Odey an officer of the borough.

Dec. 14. A petition of Sir Thos. Skipwith, bart., to the same effect.

March 29, 1699. Sir Rowland Gwynn reported touching the said election, "That the poll was for Mr. Wicks 9—Mr. Pauncefort 6—Mr. Howard 6—Sir Thos. Skipwith 3.

That the right of election was agreed to be in the Alderman, and twelve capital Burgesses.

Sir Thomas Skipwith attempted to vacate the election for bribery, and several witnesses were called, amongst whom, Edward Brown, one of the

burgesses who voted for Mr. Wicks and Mr. Pauncefort, and four others; but the petitioner's counsel owning, that the last four had given bond to Brown, to save him harmless from any damage the said Brown might suffer by the discovery: the committee thought them so affected by the bond that they could not be witnesses.

Pauley said, Mr. Odey told him an hour after the election he had not got much, but however he would engage that the gentleman who gave most money should be Parliament man for this borough.

Resolved, "That Michael Wicks and Edward Pauncefort, esqrs., are duly elected."

Upon the second reading, ordered to be recommitted, when the petitioner's counsel declaring they could not produce the above-mentioned bond they were not suffered to proceed.

Feb. 18, 1700. A petition of Michael Wicks, esq., against Samuel Shepherd, junr. for bribery, &c.

Resolved, "That it appears to this House that Samuel Shepherd, sen., is guilty of procuring an election of a burgess for this borough by bribery."

Resolved, "That William Odey is also guilty of the like offence."

Ordered, "That said Mr. Odey be for the said offence taken into the custody of the sergeant at arms."

Ordered, "That Samuel Shepherd, junr., esq., be discharged from being a member of this House."

Jan. 14, 1701. A petition of several of the burgesses and inhabitants of this borough com-

plaining of an undue return of Sir Charles Hedges and Edw. Pauncefort, esq. by Wm. Odey an attorney and other his accomplices, corruptly treating, and contracting with several persons to procure their election.

The House being informed, that Mr. William Odey of this town was at the door with a sum of money and a bank bill given him in order to the late election for this borough, he was called in; and, at the bar, delivered into the House a bag of gold and a bank bill for 200*l*. which he said he had received from Daniel Park, esq.

Resolved, "That Sir Charles Hedges, knt., and Edward Pauncefort, esq., are duly elected."

Resolved, "That the petition of several of the burgesses and inhabitants of this borough is scandalous, false, and vexatious."

Ordered, "That James Croome, Edward Sansum, Edward Brown, John Waite, and Joshua Hancock, some of the said petitioners, be for the said offence taken into the custody of the sergeant at arms."

Resolved, "That Daniel Park, esq., is guilty of notorious bribery and corruption, in endeavouring to procure himself elected a burgess to serve in Parliament for this borough."

Ordered, "That Daniel Park, esq., be for his said offence taken into the custody of the sergeant at arms, and that Mr. Attorney-general do prosecute the said Daniel Park, esq., for the said crime."

Resolved, "That Gould, schoolmaster, is guilty of corrupt practices."

Resolved, "That Charles Earl of Peterborough is guilty of divers indirect practices, in endeavouring to procure Daniel Park, esq., to be elected a Burgess to serve in this present Parliament for this borough."

Nov. 6, 1705. A petition of Edward Pauncefort and Thomas Boncher, esqrs., complaining of an undue return of Henry Mordaunt and Thomas Farrington, esq., by treats, bribery, and other illegal practices by themselves and their agents.—No report.

Nov. 24, 1708. A petition of Edward Pauncefort, esq.—Jan. 1809. Withdrawn.

Oct. 18, 1722. Giles Earle and John Fermor, esq., petitioned, complaining of an undue return of Lord Hilsborough, and Sir John Rushout, by partiality of James Tyley, alderman, bribery, and other indirect practices.

Several witnesses were examined, amongst whom, Johannah, wife of Gowen Hart, one of the capital burgesses, said Lord Hilsborough offered her 1000 guineas for her husband's vote, for him and Floyd, and she telling his lordship that her husband had promised his vote; his lordship then answered he would then be the ruin of her husband and all his family; and would disburgess him, and take away his estate; that at another time before this his lordship offered 500 guineas to get her husband's vote.

Thomas Young, another witness said, Mr. Thos. Earle applied to him on behalf of Colonel Earle, offered him 200*l.* a-piece and more if that would not do for as many burgesses as he could get for

Colonel Earle, and upon witness refusing, he offered him further a place under government of 100*l.* a-year, which might in a little time be 500*l.* a-year.

Charles Wallington said, Mr. Shewring, solicitor for the petitioners, offered him 200*l.* for his vote for them, and said his son should have the first parsonage worth 150*l.* per annum, vacant in the gift of the crown.

Dec. 13, 1722. Sir John Rushout, bart., and Trevor, Viscount Hillsborough, were declared not duly elected. Their seats were filled by Giles Earle and John Fermor, esqrs.

Oct. 17, 1796. James John Vassar, esq., and several of the inhabitants, petitioned against the election of Samuel Smith and Peter Isaac Thellusson, esqrs. The petitions contained an account, at some length, of the proceedings at the election, and stated, that the right of election did not belong to the alderman and capital burgesses, but to the burgesses at large. The contrary was alleged by the sitting members, and the committee determined, Nov. 7, that the sitting members were duly elected, and that the petitions were not frivolous or vexatious.

Peckwell,
v. 2. p. 397,
398.

Ib. vol. 1.
Introd.
xxviii.

52 Journ.
p. 102.

On November 9, a new writ was ordered for a member in the room of S. Smith, esq., who had made his election for Leicester. Philip Metcalf, esq., was returned: and Dec. 6, J. J. Vassar, esq., again petitioned, and made the same allegations as before. A committee was appointed, May 5, 1797, to try the merits of his petition, and on

Peckwell,
v. 1. p. 1, 2.

52 Journ.
p. 158.

May 10, they reported the sitting member duly elected.

Peckwell,
v.i. Introd.
xxviii.

56 Journ.
p. 659.

A petition was presented April 24, 1798, against the right of election reported by the committee in 1797, which was ordered to be taken into consideration, June 11; but on the 7th of that month (1798) the following resolution was made, "That (it appearing to the House that no petition having been presented to the House, by any person or persons, praying to be admitted as a party or parties to oppose the right of election, as determined by the select committee, and reported to the House upon the 7th day of November, in the last session of Parliament, within the time limited by the act; and the judgment of the said committee, as to the said right of election, having thereupon become final and conclusive to all intents and purposes whatever,) the said order for taking the said petition of the several persons whose names are thereunto subscribed, on behalf of themselves and others, burgesses of the borough of Malmesbury, in the county of Wilts, into consideration on Monday next, be discharged." This petition against a right reported was accordingly dismissed, a year having expired after the prior report.

In 1806, Charles Saxon and Charles Henry Bouverie, esqrs., petitioned against the election of Robert Ladbroke and Nicholas W. R. Colborne, esqrs. On March 2, 1807, the committee who tried the case found the sitting members duly elected, and that the petition was not frivolous or vexatious.

CORPORATION.

By charter of King William the Third, it is governed by an alderman, twelve capital burgesses and twenty-four assistants, with an high-steward and deputy-steward.

RIGHT OF ELECTION.

Dec. 13, 1722. Agreed to be in the Alderman and twelve capital Burgesses.

May 10, 1797. The same resolution confirmed.

NUMBER OF VOTERS—13.

RETURNING OFFICER—the Alderman.

PATRON—Joseph Pitt, esq.

POLITICAL CHARACTER.

Malmesbury is one of the ancient Saxon boroughs, and retains, under feudal forms, the nominal qualities which enable us to trace its former freedom.

The chief magistrate retains the ancient name of Elderman, and is so stiled in all the borough records which are extant, afterwards changed into Alderman, from the Saxon word *Auld* which signifies *old*.

The town received its charter from Athelston the Saxon King, and Henry the Fourth, by his charter, dated July 2, 1411, recites by inspeximus a charter of the 5th of Richard the Second, by which the foregoing charter of Athelstan had been confirmed.

The charter of King Athelstan is again recited in the 11th of Charles the First, which created a

select body out of the freemen at large, consisting of an alderman or alderman, twelve capital burgesses, and twenty-four assistants.

The alderman to be elected every year by the existing alderman and twelve capital burgesses from among the capital burgesses.

The office of capital burgess to be for life; and vacancies to be supplied by election of the alderman, and the rest of the capital burgesses, from among the twenty-four assistants.

The office of assistant to be also for life; and vacancies to be supplied by election, (*not of the freemen at large, who possessed the right of electing every officer of the town till this period*) but of the alderman, capital burgesses, and the rest of the twenty-four assistants.

By this charter, the right of electing chief magistrate, and other justices was taken from the forty-eight land-owners; and the whole body of commoners who constituted the population of the ancient city, now borough of Malmesbury, and confined to a select body of thirteen, for even the twenty-four assistants were to have no voice in the election of alderman and capital burgesses, but this new made corporation was to exclude all the freemen from municipal rights. The whole of the governing power is by this charter committed to the thirteen, over all the inhabitants residents in the borough, nor are any provisions made concerning the free burgesses who were the commoners or corporators at large.

Nothing was now wanting but a special resolution of a committee of the House of Commons to

deprive the people of this town of all political rights whatever, and that actually followed on the 29th of March, 1699, when the right of election was first determined to be in the *Alderman, and twelve Capital Burgesses*. The same was confirmed by another committee on the 13th Dec. 1722, and again the 10th of May, 1797.

How the right of election which had existed in the freemen at large from the earliest times, could exclusively belong to a new body of men created only in the eleventh year of the reign of Charles the First, we leave the reader to determine; but this resolution does not transfer this invaluable right from the freemen at large to the corporation, but only to a *third part of that body*. The twenty-four assistants are excluded from the right of election as well as the land-owners and commoners, and only thirteen out of thirty-seven who compose the corporation, are allowed to vote in the choice of members for this borough.

The history of Malmesbury displays the manner in which the right of election has been limited to exclusive bodies unknown to the original constitution of the country in all those boroughs where such singular rights prevail. In one place *burgesses*, which are inhabitants of boroughs, have been determined to mean members of a corporation, in another *burgage-holders*, and in a third to extend only to inhabitants of houses built on ancient foundations. In like manner the word *commonalty*, has at one place been deemed to comprehend all the inhabitants, at another the freemen at large, and at a third the corporation only. Thus

has the rights of the people been frittered away for the last two centuries till nothing but the forms of an election is retained in those places which send a great majority to the British House of Commons.

It is curious to observe that the select body were not created till 11th of Charles the First, consequently could have had no claim to an exclusive right of voting antecedent to their existence, and the returns prove this right to have been exercised by the people at large till immediately after the restoration of Charles the Second, when the plan of increasing the power of the crown by the possession of an absolute authority over the governing part of all corporations was just formed; and Doctor Brady was employed to prepare the way by his publication on boroughs to the accomplishment of that object, by endeavouring to shew that the right of voting at elections properly belonged to the governing part, and not to the corporators at large.

This is apparent in the return for this borough, receiving an alteration in its form at this period, and the adjective word *capital* being for the first time prefixed to the general term *burgess* to make it appear that the election was made by the corporation only, but the following return to the Prince of Orange's letter at the revolution in 1688, is decisive. It is a certificate of the ancient usage, made, not by the select body, but by the burgesses, assistants, land-owners, and commoners in general.

“ To the chief magistrate, or such others of the borough of Malmesbury, in the county of Wilts,

who have right to make returns to serve in Parliament according to ancient usage of the said borough before the seizure or surrender of charters in the time of Charles the Second.”

The answer of the corporation of Malmesbury to this letter is conclusive ; and this was not done by neglect or carelessness, arising from the general exultation of all ranks, or from the confusion that might have prevailed at the time, is proved by a second return exactly similar, made soon after for the purpose of supplying a particular vacancy.

“ To the clerk of the crown in the court of chancery.”

I, Elias Ferris, alderman of the borough of Malmesbury in the county of Wilts in pursuance of his Highness the Prince of Orange’s letter for the choosing of two members to represent the said borough in the convention to be held at Westminster the two and twentieth day of this instant month of January, and in obedience thereunto have (after due notice given) caused an election to be held and made *according to the ancient usage of the said borough*, and do hereby certify and declare that the Hon. Colonel Wharton, and Colonel Charles Godfrey, are, by the free and unanimous consent of the capital burgesses, *and other inhabitants of the said borough*, duly and legally elected to serve for and represent the said borough in the said convention of Parliament to be held the said two and twentieth day of this instant January, there to consult and agree of and to all such matters and things as shall be there treated of for

the good of the weal public. In witness whereof I have hereunto affixed the common seal of the said borough, this 15th day of January, Anno Dom. 1688—9.

ELIAS FERRIS, alderman.

In further testimony whereof we the capital burgesses, *assistants, landholders, and other the free burgesses* of the borough of Malmesbury in the county of Wilts, have hereunto set our hands.

Signed by ten capital burgesses, fifteen assistants, nineteen landholders, and twenty-seven commoners.

The Prince of Orange's letter may be seen in the tenth volume of the journals page 7 and 8; it directs the elections to be made by such persons only, as according to the ancient laws and customs of right ought to choose members of Parliament, and requires the returns to be made before the 22d of January.

It is dated at St. James's, Dec. 29, 1688.

In April, 1690, the return was again made by the general body; and although the candidates in the opposite interest petitioned against it, the sitting members retained their seats.

In the next year a new writ was ordered upon a single vacancy and the return was made by the same persons, and in 1696 Mr. Wharton was again returned by the alderman, capital burgesses, assistants, landholders, and commoners.

We have been particular in our history of the ancient rights of this borough, because the same

circumstances in general apply to every other borough in England which has been deprived of its free and equal right of election, but care has been taken in most of them to destroy the documents that prove it.

The corporation of Malmesbury having obtained the government of the borough by the charter of Charles I., they assumed the exclusive right of electing the members in 1699; and soon after possessed themselves of the estates of the general body, for an account of which a bill is now depending in chancery.

In the reign of William III. a new charter was granted to this borough, all the members of it, except Lord Wharton the steward, having forfeited their offices by neglecting to subscribe the association mentioned in the act for the better securing his majesty's royal person and government. It is, except in a few particulars, a mere copy of the charter of Charles I.: the material variations are these, the deputy alderman and the steward are created justices of the peace, as well as the alderman.

The persons who compose this corporation are of that description as to excite universal ridicule. It frequently happens that neither the chief magistrate nor his deputy can either write or read, and are consequently obliged to make their mark to all warrants and other documents requiring their signature. In answer to a bill in chancery lately filed against them, ten out of the thirteen who compose this worshipful body, were under the necessity of affixing this token of identity.

It is scarcely necessary to add that this body is selected from the lowest and most ignorant of the people, as the most proper instruments for the use that is made of them. At the same time Malmesbury possesses among her resident inhabitants, many respectable bankers, professional men, and opulent tradesmen, who might fill these offices with credit and reputation.

Such is the select body in whom the exclusive right of electing members of Parliament is vested: and such on the other hand are the persons precluded by the present borough system from exercising the first right of British citizens.

In 1806, a petition of Charles Henry Bouverie, esq., against the return of Robert Ladbrooke, esq. and N. W. R. Colborne, esq., on the hearing of which the 26th of February, 1807, it came out in evidence that a Mr. Edmund Wilkins an apothecary of this borough had obtained the control of the corporation in 1768, by allowing ten out of the thirteen capital burgesses an annuity of thirty pounds per annum each, for the corrupt purpose of returning two members to Parliament. That he continued to pay this annuity and nominate the members till the time of his death in 1804, and that he obtained for himself the lucrative place of receiver-general of the county of Wilts. Upon his decease the late Mr. Edmund Estcourt, solicitor to the Stamp Office, succeeded him in the patronage of this borough, and that he increased this corrupt annuity to the capital burgesses to the sum of fifty pounds per annum each, and continued to no-

minate the members, as Mr. Wilkins his predecessor had done.*

* To elucidate this business still further, we will give the speech of Sir Thomas Plumer, upon opening the case of the petitioner.

“ I will now state, Sir, very shortly, what the merits are on which I am to submit to this committee that this election is void; for, by a recent decision, this election is confined to a few voters, as appears in the second volume of Mr. Peckwell's book, page 397. ‘ That the right of election for this place is vested in the alderman and twelve capital burgesses; in the alderman, one single person, and twelve capital burgesses, making in all thirteen persons who have the sole right of election for that place.’ A very small number of persons certainly; but however, if their franchises were duly and properly exercised, there would not be, because legally there could not be, any complaint on that head; but, I am afraid that the smallness of the number of voters, although we cannot complain of that number, has given rise to the practice of which we complain, and of which we have reason to complain on the present occasion. If these practices are proved by legal evidence to have taken place, sure I am, that they will call very loudly on the justice of Parliament to correct them, and which, I have no doubt, if their existence be proved, will be corrected as justice shall require. I have to state to you, Sir, that a system of corruption has prevailed in this place which is most reprehensible; it is absolutely intolerable: such as I am sure, if I prove the case which I am instructed to lay before you, this honourable committee will agree with me in thinking ought to be put an end to; for I have to complain, not of the bribery of one or two individuals at this election, by which these gentlemen have procured their return, but of one general system of bribery and corruption affecting nearly the whole body of those who have the elective franchise for this place; that is, affecting ten of them out of thirteen, a system which I trust will in the result of examination be sufficiently proved before this committee to obtain for this petitioner his object; the setting this borough free from the venality and corruption by which it is at present overwhelmed,

Mr. Estcourt continued to manage this borough till within the last four years, when he transferred

a system of corruption, to bring forward, and to expose to the light the practices which take place under that system, and to prevent, in future, the destructive consequences of that system, is the main object of this petitioner: a system which, if I can prove it to exist, it will, as it seems to me, become the honour and dignity of Parliament, first to deprecate its existence, and secondly, to prevent its continuance.

Sir, it is proper that I should, in the outset of this case observe, that although the seats of these two gentlemen in your honourable House for this borough, in the present Parliament, are necessarily attacked, and sought to be set aside, yet, that they, I mean Mr. Ladbroke and Mr. Colbourn, though in point of form, defendants on the present occasion, are defendants in form only; mere nominal defendants: and that you will find, Sir, that the substance of the case is directed against another person; a very respectable gentleman, possessing a considerable situation under government, a gentleman in every respect, out of this case of very high, and of an unblemished character, a person whose conduct, out of this case, I do not impeach; but neither that, nor any other consideration, shall prevent me from examining this matter and laying all the circumstances of it fully before this committee on the present occasion. It is my duty so to do, and proceed to lay before you, Sir, the evidence which we have, that the committee may be enabled to discover whether the suspicions, for until proof be given, the charges are only suspicions, are well founded or not; at the same time that I am thus proceeding in the discharge of my duty, I am happy in the opportunity which is now afforded me of stating these things in his presence. It will however, be more satisfactory to me and so it will to the gentleman for whom I have the honour of appearing before this committee, if finally, it should turn out that we are mistaken in our opinion of this case, that we have been misinformed of the facts of it; that all suspicions of unfair dealing in this election, shall have been removed—I am sure that the honourable gentleman whom I represent on the present occasion will not only rejoice at the event, but will be anx-

his interest to Mr. Joseph Pitt, who was thereupon chosen high steward, and nominated the present members at the general election, in 1812.

ious and solicitous to express his satisfaction; neither, have I any doubt that the gentleman to whom our case imputes so much unfair practice, will, himself, be solicitous to meet this inquiry; he has the means of doing so; they are within his own power. If our suspicions are not well founded, he can prove it. He may have, for aught I know, in his own pocket at this instant, the means of refuting the charge which we make against him upon this occasion. It must of course be a great satisfaction to himself to be able to refute these charges; to shew that the suspicions which have been entertained concerning his conduct at this place, in reference to this election are perfectly ill founded; to shew that the individuals who exercise their franchises at this election, exercise them unfettered, that they are not under any such obligation as we suspect they are, either to that gentleman or to any other. That they are not, as we suspect they are, under the express condition of giving their votes to his Nominee; and that they renew that condition with him from year to year; that they are actually in his pay; that they receive money from him annually, on the express, the degrading condition of giving their votes at an election for two members to serve in Parliament, or one as the case may be, in favour of his Nominee: and that so implicitly, that they do not know even the name of the person for whom they engage to vote until he is put in nomination by this gentleman. Sir, I believe you will find this to be a case of some novelty, in as much as the gentleman to whom I allude, does not, as is usually done in cases of this kind, carry on his business through the medium of an agent, but he transacts the whole of it himself; and the two honourable gentlemen who have been returned for this place, as we say, by the bribery of the gentleman to whom I have alluded, have no property in this borough; they have taken their seats, and are now filling the situation of members of Parliament as if duly elected; perfectly unconnected with this borough, without any property in it, perfectly unknown, even to those by whose suffrages they are returned. I doubt whether they were

CRICKLADE.

CRICKLADE is a borough and market-town, consisting of two parishes, in the hundred of

ever in the place which they represent. Certain it is, they took no part whatever in the election, but confided the whole of it as well they might to the gentleman of whom I have been speaking; I mean Mr. Estcourt, who now attends the discussion of this case, and which I am glad he does, because it would be much more painful to me to state these matters in his absence than his presence. These two honourable gentlemen, no doubt, have settled with Mr. Estcourt how they are to be brought into Parliament as representatives of this borough; they have agreed upon the terms on which they are to come in, they know full well how they are to obtain the nomination of Mr. Estcourt: and they know, that to obtain that nomination, is to obtain the certainty of a return, and these matters are well known to Mr. Estcourt. Well, but it may be said that Mr. Estcourt being a person who possesses an honorable use of it, by returning these two gentlemen to Parliament upon public principles, considering them as fit persons to be returned to Parliament, or else from private friendship for them. Why Sir, I do not know that these gentlemen have any connexion whatever or ever had with Mr. Estcourt, except the transaction by which they have obtained their seats in Parliament; and this shews how little value and importance Mr. Estcourt attaches to a seat in Parliament, for it appears that he has bestowed it on two gentlemen perfectly gratuitously, without any consideration whatever, solely from favour and affection, and that too in the case of two gentlemen who do not appear to be relations or kindred to him, who do not appear to have had, before this instance of his friendship occurred any connexion whatever with Mr. Estcourt. Thus it is that these two honorable gentlemen who are at present sitting members for this borough have obtained their seats. But, Sir, the important question in this case will be, how were the votes ob-

Highworth and Cricklade, Wilts, 7 miles from Highworth, and 84 from London ; containing 198

tained for these honorable gentlemen ? By what means were such votes obtained ? and whether these five votes (for only five of the electors voted on this occasion) were fairly obtained on this occasion. Five votes have been given for Mr. Ladbroke and Mr. Colbourn. Five of the burgesses only have exercised their franchises on this occasion. The alderman Mr. Spackman and four of the burgesses are all the persons who have voted on this occasion. Then, Sir, the question is, by whom, or by what means, were these votes obtained ? for they appear to have been given in favor of two gentlemen who are perfect strangers to those who voted, and indeed to the place which they now represent, who had no recommendation whatever to the voters, nothing to make them naturally the subject of the choice of these persons ; nothing whatever to recommend them to this borough but the bare and unaccountable nomination of Mr. Estcourt.

Now Sir, it is proper that I should introduce to you the nature and constitution of this place. You will find that the system has been pretty uniform. I shall shew the committee what system has prevailed in this snug little borough ; how the burgesses of it have been regularly kept in pay, in order that their votes should be at the will of a particular individual. I shall shew you, Sir, in what manner, by what means, and how the business has been conducted before and since Mr. Estcourt has had the management of the corporation, which, as we are told, consists of an alderman and twelve burgesses, besides which are twenty-four assistants, out of whom the burgesses are elected ; and there is also a person under the denomination of high steward, and that situation is now and has for some time been filled by Mr. Estcourt, whose duty as prescribed by the charter is to counsel and direct the burgesses : but he in point of fact, and practical effect, controls the alderman and the burgesses in every thing which relates to their chusing members to represent the borough in Parliament. Mr. Estcourt himself, who is the high steward of the borough, is an officer who is chosen annually, and into which office he has been elected twice. He is chosen by the alderman and twelve burgesses on Trinity Tuesday, and the alderman is

houses, and 1,333 inhabitants, of whom 171 were returned as being employed in trade, &c. The

chosen annually on the same Trinity Tuesday; any vacancy among the twelve capital burgesses is supplied by the alderman and surviving burgesses by election out of the twenty-four assistants. Now Sir, you will find that this situation of high steward is from some practices which have prevailed in this borough, a situation of very considerable importance; a situation which was filled before Mr. Estcourt had it, by a gentleman of the name of Wilkins, who died in May, 1804. During his life Mr. Estcourt who was introduced to the burgesses as the agent of Mr. Wilkins solicited to succeed him, and a contest arose upon that subject, in which Estcourt was successful. He has been elected twice to that office as I have already stated to the committee, and he now fills it. Now Sir, I will prove to this committee, that at the time Mr. Estcourt canvassed for the situation of high steward, an office which he now holds, and also since he obtained it upon a reference being expressly made to what had passed at this place at the time of Mr. Wilkins, that he, Mr. Estcourt, publicly stated, expressly stated, that he should hold that office, and conduct himself in respect of it, exactly on the same terms as Mr. Wilkins had done. That he should do the same as Mr. Wilkins had done. You will find him, Sir, canvassing the borough, and stating expressly to the electors of it by way of inducement to their choosing him, that he should do in all respects what Mr. Wilkins had done: and then Sir, the question will be, what were the terms and what the relations which subsisted between the high steward and burgesses of this borough when M. Wilkins held that office; for, as it was held by Mr. Wilkins, so it was avowedly promised to be, and so it was and is actually held by Mr. Estcourt. Now Sir, you will find that Mr. Wilkins, who had a house in the neighbourhood of Malmesbury, in return for the property he derived by the sale of the suffrages of the electors of the borough, and by the return to Parliament of members of his own nomination, gave to the burgesses a valuable pecuniary consideration. The course was this: to allow to each burgess an annuity of 30*l.* a year on condition that such burgess should vote for any person whom Mr. Wilkins

market is held on Saturdays ; and the fairs on the third Wednesday in April and July, the third Tuesday in August, and on St. Matthew's day.

should nominate ; and for the due performance of this stipulation, Mr. Wilkins took bouds in the penalty of five hundred pounds each, of the electors ; thus taking care to secure to himself their votes, that the electors should do their duty, as it was called, for the annuity which they received ; that is to say, that each voter should vote for any person whom Mr. Wilkins should nominate as a member of Parliament for the borough of Malmesbury, on Mr. Wilkins giving to every voter an annuity of 30*l.* a-year. Thus the high steward of the borough of Malmesbury took, from each of the burgesses of that borough, a bond in the penalty of 500*l.*, conditioned for the due performance of the agreement, that such burgess should vote for any person whom he, the high steward should nominate to be member of Parliament for that borough ; while he, the high steward, contracted on his part to allow to such voter the yearly sum of 30*l.* This sum to be paid to each voter on Trinity Tuesday, as the burgesses elected him their high steward. Thus Mr. Wilkins secured at once his own return as high steward, and also the return of his own nominee to be a member of Parliament to represent this borough. This is perfectly well understood in that place, and the business was carried on regularly and without interruption ; but the money (I mean the 30*l.* a year) was a little clandestinely, and indeed whimsically paid ; sometimes it was conveyed under a cabbage, and sometimes I understand, it was left in a more indecorous manner in a chamber utensil that had been used by Mr. Wilkins after a feast which he gave to the burgesses ; and this was done in a manner that was unobserved by those who might be present at the banquet, but who having nothing to give in return for it, were not admitted into the secret : but whenever this money was paid, it was done in a manner which plainly shewed that the parties were ashamed of what they were doing. Mr. Wilkins was punctual in the payment of his money for this laudable purpose for a while, but he afterwards fell into arrear, and continued so up to the time of his death, for he died before he made his annual payments to the electors of this borough ; and to make up

REPRESENTATIVE HISTORY.

This borough returned representatives to Edward the First's Parliaments, and afterwards only

for the contingency of the electors losing by his death, he made his will, and by that will he left five hundred pounds to be divided among the capital burgesses, and of which they were all to participate except one person of the name of Hill, who had offended him by voting contrary to his wishes. But with respect to the rest of the case, the only way in which it can be discussed is, by considering whether the way in which Mr. Estcourt acted, or rather in which Mr. Wilkins acted, for Mr. Estcourt declared over and over again, that he should act in the same manner as Mr. Wilkins his predecessor acted, is as I have stated. That way was perfectly well known to Mr. Estcourt, for he was with Mr. Wilkins, acted as his agent, and managed affairs for him sometime before his death. That Mr. Estcourt was perfectly initiated into the mysteries of this borough sometime before the death of Mr. Wilkins. All which I have no doubt, will be clearly explained by Mr. Estcourt when he comes into the witness box to be examined upon this subject, of which nobody knows more than himself. We shall then hear whether Mr. Estcourt will contradict that statement or not ; I mean as to what past between Mr. Wilkins and the electors of this borough, before he Mr. Estcourt, was a principal actor in the scene. We shall hear from Mr. Estcourt, if the learned counsel for the sitting members shall venture to call him, what the practice was of this borough in matters of election of members to serve in Parliament, previous to his being steward of it ; for, to that subject he is not only competent, but a good, and, perhaps, the best witness, because he was in a confidential situation, being employed by, and having the management of, the most interesting concerns of the borough, which Mr. Wilkins was concerned in. And after the death of Mr. Wilkins, Mr. Estcourt succeeded to all his powers in this borough, that is a proposition which will not be disputed, because it cannot be disputed that Mr. Estcourt solicited the burgesses that he should succeed Mr. Wilkins in the office of

to the Parliament of 20th Edward the Second, and to eight of Edward the Third's Parliaments,

high steward of this borough ; nor can it be disputed that Mr. Estcourt succeeded in his endeavours to obtain the object of that solicitation. Why then, Sir, I have only to prove what the habit of Mr. Wilkins was in the conduct of this borough, and then the declaration of Mr. Estcourt, that he would do as Mr. Wilkins had done ; by that declaration I contend Mr. Estcourt will be concluded, for he declared expressly, that he should do the same as Mr. Wilkins had done in this borough, thereby referring to the conduct of Mr. Wilkins who was his predecessor in the office of high steward, and manager of the political concerns of the borough. Now, Sir, you will find that Mr. Estcourt has done honor to his engagements with the burgesses of this borough ; that the engagement between him and them has been, as we should expect them to be, by a man of his honor and integrity, faithfully fulfilled on his part. You will find, Sir, that Mr. Estcourt has not only fulfilled to the letter, but also to the spirit, his engagement with the electors of this borough ; for you will find, Sir, that although Mr. Estcourt only promised to do exactly the same as Mr. Wilkins did, yet that Mr. Estcourt like a conscientious man, considered the value of money, that is, the comparative value of money at the time he became master of the borough, and that of his predecessor Mr. Wilkins, being the disposer of it ; and with that feeling, Mr. Estcourt raised the annuity from 30*l.* to 50*l.* a-year. In this I do not blame Mr. Estcourt, but I should rather commend him, for things are dearer now than they were when his predecessor had the sale of this borough. We live in better times now than then, and why should not the price of men's vows, or their consciences rise, as well as any article in the market. Mr. Estcourt having faithfully and honorably performed what he stipulated with the burgesses of this borough, has been by them as faithfully and honorably elected every year into the office of its high steward, and as such officer, Mr. Estcourt has taken a house in Malmesbury called Culver-House, not for any constant residence which he has there, but merely for the purposes of these elections, and where he received the burgesses, and (what will be of itself suf-

and ceased again sending after Richard the Second's time (except 1st Henry the Fourth and

ficient ground for the committee setting aside this election, by declaring it void) treated the burgesses on the Wednesday preceding the election. This was at Culver-House just before the election.

Then, Sir, I have to state to this committee it was in this way that Mr. Estcourt conducted himself at the time of the last election for the borough of Malmesbury. That Mr. Estcourt is the gentleman who has managed this business is beyond all doubt. I will prove to you, Sir, by a variety of circumstances, which preceeded the actual election, that these two gentlemen, Mr. Ladbrook and Mr. Colbourn, who are absolutely strangers to this place, never gave themselves any trouble concerning it. That neither of them was even personally present either at the election, or at any time previous to it; that neither of them ever canvassed one of the electors. It is usual, you know, Sir, for gentlemen who aspire to the honour of a seat in Parliament, to solicit the suffrages of those whom they wish to represent. But here there was no such thing. You need not trouble yourself with any canvassing here. In some places that is very necessary, and troublesome enough it is on many occasions; but never mind it here, leave that to Mr. Estcourt; he will manage your election without putting you to the trouble of asking a single voter: indeed, who is there to ask; since all the voters are annuitants of Mr. Estcourt, on condition that they shall vote annually for him as their high steward, and for whomsoever he chuses, as a burgess, when a vacancy occurs, to keep up the number of twelve; and finally, to vote for the nominee of Mr. Estcourt, even without knowing the name of the nominee until the hour of election of a member to serve in Parliament! Canvassing, therefore, is a burthen which those who chuse to represent this borough, are exempted from. I will prove to you, Sir, that Mr. Estcourt made application for the writ for obvious reasons; for the purpose of getting a little advantage, which, we all know arises from the possession of the writ, and also to the precept upon that writ, which warrants the procedure of an election. He wished to have both in the most convenient manner; he was

1st, 2d, and 9th Henry the Fifth,) till Henry the Sixth's time, after which it has been regular in its

disappointed, however, in one of these objects, namely, in the application for the writ, which he did not obtain according to his wishes ; but he knew that he was sure of succeeding with the under sheriff in his application for the precept ; accordingly he applied for and obtained that precept of the under sheriff, through the medium of a gentleman who was his clerk. I will prove that fact as a preliminary to shew the connection of Mr. Estcourt with this election, as introductory to the proof of his being the actual manager of it altogether. I will prove also, that Mr. Estcourt paid the customary fee on this occasion on the return of the election whatever that fee is, the sum I am not at present apprised of ; but be it what it may, Mr. Estcourt paid it. I will then prove to you, Sir, the nomination of the candidates by Mr. Estcourt ; in truth, the burgesses of this borough never would have known any thing of these two gentleman who are the sitting members, without the assistance of Mr. Estcourt ; if they had not been nominated by Mr. Estcourt, these two gentlemen would never have been heard of ; indeed, so little were they known to those who are made to chuse them as their representatives in Parliament, that Mr. Estcourt was under the necessity of saying to them by way of explanation of what they were to do : " Gentlemen, you have been addressed on behalf of Mr. Ladbroke and Mr. Colbourn, who are candidates to represent you in Parliament : " this was the signal to the electors whom they were to elect ; without it they would not have known whom it was the pleasure of Mr. Estcourt they should return ; for, as this petition states, there were several other candidates at that election ; it was, therefore, through the medium of Mr. Estcourt, that the electors knew who they were to chuse ; these gentlemen, Mr. Ladbroke and Mr. Colbourn, never had been at Malmesbury, nor had so much as addressed themselves to the electors by letter ; therefore, for fear they should stumble and mistake, and so return the wrong persons, Mr. Estcourt was obliged to remind them who the real persons were, whom they were to elect ; and accordingly they took the hint, and voted for Mr. Ladbroke and Mr. Colbourn ; that is to say, five of the burgesses voted for

returns with other boroughs. We meet with no memoirs of its elections until 1685.

these two gentlemen, and the other candidates gave no further trouble. The election, as you will naturally suppose, took up very little time. The persons who voted had a right to vote. I am not disputing that point at all. It is clear, that they were electors, and exercised properly their franchise, supposing them to have done it with purity. On the other hand, if they were, as we say they were, under a general contract and engagement with Mr. Estcourt, to vote for his nominee, it is equally clear, that their votes are good for nothing; for if they actually engaged to vote for the nominee of Mr. Estcourt, or of any other person, for any pecuniary or other gift, that is a good ground on which those, for whom they so voted, cannot retain their votes; but this is a fact which the committee will be aware it is impossible for me to prove, otherwise than by the declarations of some of these parties. I understand, however, that I shall be able to do so; that I shall be able to establish, to the satisfaction of this committee, that the burgesses of this borough stood in the situation which I have stated, and that they voted for the consideration which I have stated, consequently, their votes will be struck off, and the election will be declared void; that is all we seek by the present petition; for the petitioner does not contend, that he was duly elected; he contends, that Mr. Ladbroke and Mr. Colbourn were not duly elected. I will prove to you, with respect to Mr. Alderman Spackman, and the four other burgesses, who voted at this election, as follows: first; that Mr. Daniel Spackman is an alderman, and that he is the returning officer of the borough, and that before he became a burgess he was an ironmonger and cooper, and a man of some property, and him I shall examine as a witness, by whose testimony we shall endeavour to make out part of our case. The second person whose vote was given, and which we say ought to be struck on the grounds which I have already stated, is Richard Neate. Perhaps the committee will think it worth while to take down these names:—Richard Neate; he was a small jobber, and let out a horse to hire, and now rents some lands. He is the second whom I object to, on the grounds already stated to the commit-

May 23, 1685. A petition of Thomas Freak, esq., and another of Edmund Webb touching the same election.

tee. The third is George Russell; he was a tailor, a person who I understand to have been in the most needy circumstances, and continued to work at his trade until the death of Mr. Wilkins, when he left off his business, and has since purchased a house of John Hook at one hundred pounds. The fourth is, Thomas Nichols, who is a hatter, and he is possessed of a small estate. The fifth, and last that voted, is Edward Ponting, who kept a small garden, and rented two small closes of Mr. Wilkins, as garden ground: the two closes were given up. His chief employment, I understand, to be that of going to farm-houses to kill pigs: so that you see, Sir, these four persons, who voted at this election, were persons who, before they were called to fill the situation of burgesses, were in a very inferior condition of life. With respect to Spackman, the alderman, I will prove to you, Sir, that, upon application to him to vote for Lord Peterborough, to succeed Mr. Wilkins as high steward, he answered in the negative. He refused to give his vote. He was endeavoured to be prevailed with; but he answered, that he should not vote in that way, for that Mr. Estcourt held the money which he had for the seats only for the electors: that Mr. Estcourt said, he should not get a penny by it for himself, but that, after paying his expenses, that is, the money which he was out of pocket merely, he should divide the rest among the burgesses, saying to a witness whom we shall produce to the committee, you know they (meaning Mr. Estcourt) have the majority. Mr. Estcourt has behaved very well, and agreed to give the burgesses all the money he received from the members. And, to another witness, Mr. Spackman said, that he and the other burgesses, the friends of Mr. Estcourt, might have what they would at the Tetbury bank. Thus, you will find, Mr. Spackman, the alderman, and returning officer of this borough, has declared, that Mr. Estcourt had promised to divide, amongst the burgesses, all the money which he should receive of the members for their seats. I will also prove to you, Sir, by persons who were witnesses to them, that certain bonds (which bonds, I believe, are now

It was agreed that the right of election for this borough is in the freeholders, copyholders, and leaseholders, for three years.

destroyed by the executors of Mr. Wilkins) that certain bonds were given to Mr. Wilkins in his lifetime, by several of the burgesses, in the penalty of five hundred pounds, conditioned for their voting for the nominee of Mr. Wilkins at the election for this borough, as a consideration for their annuity of thirty pounds a-year. I do not know that I shall be able to produce any one of these bonds, because, as I have said already, I am afraid they are all destroyed; whether one of them is preserved I know not, but I believe I shall be able to prove the destruction of them, and, perhaps, I shall be able to prove the actual payment of the annuity of thirty pounds a-year to some of the burgesses, in the lifetime of Mr. Wilkins. I shall begin this part of the case by proving, that Mr. Wilkins held the office of high steward for this borough for many years; that he was a person of great interest in the borough. I will then shew, that the voters bound themselves in a large penalty to him to vote for his nominee. I will call a person before the committee who signed a bond to that effect in consideration of the annuity which Mr. Wilkins paid to him; and who will prove, that this payment was made annually, a short time after Trinity Tuesday, for that is the day for the annual election of the municipal officers of the borough. Mr. Wilkins died in May, 1804, a little while before he was to have made his annual payment of these annuities to the voters. Mr. Estcourt, sometime before the death of Mr. Wilkins, applied to the burgesses that they would elect him as the successor of Mr. Wilkins, alleging, it was the wish of Mr. Wilkins that Mr. Estcourt should succeed him in the management of the borough, although the truth of that is doubtful, for it is suspected, that Mr. Wilkins's wishes were against Mr. Estcourt: be that as it may, Mr. Estcourt certainly succeeded, and he is now the master of this borough in the same manner as Mr. Wilkins was. He came in upon the same terms as Mr. Wilkins had the management of this place, with the difference only, that he pays fifty pounds a-year to each voter, and Mr. Wilkins paid only thirty pounds. Mr. Estcourt promised that, if he was

Whereupon resolved: "That Charles Fox, esq., the sitting member, is duly elected."

"That Thomas Freake, esq., is not duly elected."

"That Edmund Webb, esq., is duly elected."

Jan. 22, 1688. A petition of Thomas Freake, esq.

April 1, 1689. Colonel Birch reported, that a witness produced the poll, and observed, that the persons first placed were the persons *that showed their leases* to the bailiff; the persons placed next were the freeholders, &c. The returning officer, Glenbervie, v. i. p. 310, 311. under a pretence of danger, closed the poll before all the electors had voted. The numbers then stood, 21 for Webb, one of the candidates, and only 5 for Freake, the other candidate. The returning officer refused to renew the poll, and it was continued by the constable. When the two lists were added, the numbers were, for Freake 50, for Webb only 25. The House allowed the constable's poll, and declared Freake duly elected. The returning officer was ordered into custody.

Nov. 26, 1695. A petition of several of the inhabitants of this borough. The petition was 11 Jour. p. 461. founded on the want of due notice of the election, Luders, v. ii. p. 348. and the shortness of the time given being only one day. The petitioner's counsel argued, "That it

appointed high steward, and had the management of the borough, that he should hold it on the same terms as Mr. Wilkins did; that he should give the same annual donation as Mr. Wilkins had done. That the witness which I shall bring before you had the consideration himself; and that he voted for Mr. Wilkins, as high steward, for that consideration."

could not appear reasonable notice, because such deeds were necessary to be produced to make out the voter's right, which would require a longer time."

Resolved: "That Charles Fox and Edmund Webb, esqrs., are duly elected."

"That the petition is frivolous, vexatious, and groundless."

It appears from these two cases the voters used to produce their leases to the bailiff.

Dec. 16, 1698. A petition of Joseph Stiles, esq.—No report.

Dec. 5, 1710. Sir George Hanger, knt., petitioned.—No report.

March 3, 1713. Samuel Robinson, esq., petitioned.—Withdrawn.

June 11, 1814. A petition of Edmund Warnford, esq.—No report.

In January, 1721, Jacob Sawbridge, esq., was expelled the House for being guilty of a notorious breach of trust as a South Sea director.

In 1722, petitions were presented by M. D. Morton, esq., against the return of his successor, which was afterwards withdrawn.

In 1741, there was a double return, viz. Charles Gore and Welbore Ellis, esqrs.; the former waved his return, as he was also chosen for Hertfordshire.

Glenbervie,
vol. i. p.
293-314.

Peckwell,
v. i. p. 159.

In 1774, on the decease of William Earle, esq., there was another double return, viz. John Dewar and Samuel Peach, esqrs. They both petitioned the House Jan. 19, 1775, and a committee was chosen Feb. 14. The petitioners complained of

treating, occasioning a riot, &c., and there was strong evidence of the poll being unduly closed by the returning officer; and on Feb. 21, the committee determined that the election was void. Samuel Peach, esq., having been afterwards returned, John Dewar, esq., and six electors petitioned against his return in 1775.

Feb. 1, 1776, the House was moved, That orders made on the 31st of October last, for taking into consideration to-morrow the petition of John Dewar, esq., and also the petition of the several persons whose names are thereunto subscribed, &c., complaining of an undue election, might be read. And the said orders being read, they were ordered to be discharged.

Glenbervie,
vol. iv. p.
2-82.

Ordered: "That the said petition be taken into consideration Feb. 7." A committee was accordingly chosen on that day; and on Feb. 8, the two petitions were read, complaining of undue, corrupt, and illegal practices.

On Feb. 19, the committee, by their chairman, informed the House, "That the petitioner, John Dewar, esq., was duly elected, and ought to have been returned."

In 1780, Samuel Petrie and others petitioned against the election of Paul Benfield and John M'Pherson, esqrs. The petition stated that, at the late election of members to serve in Parliament for the borough of Cricklade, in the county of Wilts, Paul Benfield, esq., John Macpherson, esq., and the petitioner, were candidates; and that, previous to, and during, and after the poll, the said Paul Benfield and John Macpherson, by

Peckwell,
v. i. Introd.
xxxix.

themselves and their agents, were guilty of many gross and notorious acts of bribery and corruption, whereby many of the voters were influenced to give their votes for the said Paul Benfield and John Macpherson, and did by themselves or their agents entertain and allow to the said electors, who had a right to vote in the said election, money, meat, drink, entertainment, or provision, and by such unlawful means; and by threats and promises, and divers other corrupt and unwarrantable practices and proceedings of the said Paul Benfield and John Macpherson, their agents and abettors, they have procured themselves to be unduly returned to serve in Parliament for the said borough, to the manifest injury of the petitioner, and in violation of the rights and privileges of the said borough, and of the Commons of England; and that the returning officer, during the course of the said election, admitted many persons to poll for the said Paul Benfield and John Macpherson, who were not duly qualified, and rejected the legal votes of other persons who tendered their votes in favour of the petitioner; and that the petitioner conceives he had a great majority of the legal and uncorrupted votes at the said election, and was duly elected, and ought to have been returned; and therefore praying the House to take the premises into consideration, and to grant unto the petitioner such relief as to the House shall seem meet.

A committee was appointed on the 4th of January, 1782, to try the merits of this petition, when a scene of bribery and corruption presented itself, equal to what we have reported either of

Shoreham, Shaftesbury, Hindon, or Arundel; but to enter into a detail of the evidence would exceed the limits of all the rest put together.

The committee reported to the House, on the first of February following, by Sir Harbord Harbord, their chairman:

“That Paul Benfield, esq., is duly elected.”

“That John Macpherson, esq., is not duly elected.”

“That Samuel Petrie, esq., is not duly elected a burgess to serve in Parliament for the borough of Cricklade.”

Sir Harbord Harbord also reported, “That it appears to this committee, that there was the most notorious bribery and corruption at the last election of burgesses to serve in Parliament for the borough of Cricklade, in the county of Wilts.”

“That it is the opinion of this committee, that the said bribery and corruption require the most serious consideration of Parliament.”

It was ordered, that the said report be taken into consideration upon the 18th of February instant; and, that the minutes of the proceedings taken before the said select committee be laid before the House.

It was at the same time ordered, that no new writ for electing a burgess for the borough of Cricklade should issue, until the House have taken the said report into consideration.

On the 18th of February, the House resolved to agree with the committee in the above resolutions, and ordered a bill to be brought in, to prevent bribery and corruption in the elections of members

to serve in Parliament for the said borough of Cricklade.

Three petitions were presented against the said bill by certain electors of Cricklade, on the 5th of March following; which were ordered to lie on the table, and the petitioners allowed to be heard by counsel against the bill upon the second reading.

On the 7th the petitioners were heard by counsel, and the bill was ordered to be committed.

After going through the several stages, the bill passed, and received the royal assent on the 17th of May following. In the preamble it recites, that,

“ There was the most notorious bribery and corruption at the last election of burgesses to serve in Parliament for the borough of Cricklade, in the county of Wilts; and that such bribery and corruption is likely to continue and be practised in the said borough in future, unless some means are taken to prevent the same. In order, therefore, to prevent such unlawful practices for the future, and that the said borough may from henceforth be duly represented in Parliament; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have, within the hundreds or divisions of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury, or one or more of them, in the county of Wilts,

a freehold of the clear yearly value of forty shillings, to give his vote at every election of burgesses to serve in Parliament for the said borough of Cricklade."

II. "And it is further enacted by the authority aforesaid, "That the right of election of a member or members to serve in Parliament for the said borough of Cricklade, shall be, and is hereby declared to be, in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election ; and the proper officer for the time being, to whom the return of every writ or process does belong, is hereby required to return the person or persons to serve in Parliament for the said borough who shall have the major number of votes of such freeholders and other persons having a right to vote at such election, any law or usage to the contrary notwithstanding."

III. "It likewise provides, That such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of Wilts, according to the laws now in being for regulating county elections."

Mr. Petrie would clearly have established his right to a seat in Parliament, upon the merits of the above petition, but for the admissibility of evidence which was afterwards proved to have been perjured. His country is certainly considerably indebted to him for exposing such a system of venality ; and the electors of Cricklade owe him their gratitude for restoring them to the situation of freemen.

A number of actions were afterwards brought, upon the act of 2 Geo. II., chap. 24. against the principals and agents concerned in bribing and corrupting the electors, in order to recover the penalties of five hundred pounds for each offence; when Mr. Petrie was fortunate enough to recover upon most of them.

The election next after passing this act, happened in June, 1782, when the Hon. George Richard St. John, and Samuel Petrie, esq., were candidates to supply the place of Mr. Macpherson. The contest at the poll was only between Mr. St. John and Mr. Petrie, the other candidates having previously declined. The election was decided, by a great majority, in Mr. St. John's favour: but Mr. Petrie petitioned against him. This petition, which was not tried during the session in which it was presented, was renewed in the session following, but soon after withdrawn.

At the general election, in 1784, Charles Westleye Coxe, esq., and Robert Adamson, esq., were candidates in the Opposition, or, what was then called the Coalition interest, and were opposed by John Walter Heneage, esq., and Robert Nicholas, esq., who were on the side of Administration. The poll, according to the return of the bailiff, was as follows:

Mr. Coxe 442—Mr. Adamson 435—Mr.

Heneage 373—Mr. Nicholas 358.

A petition was presented by Mr. Heneage and Mr. Nicholas against this return; which came to be heard before a committee on the 14th of February, 1785; when it appeared that a number of fic-

titious voters had been made under the right of the borough of Cricklade, where the inhabitants possessing houses, who are freeholders, copyholders, or leaseholders, for any term not less than three years, or for any such term, or greater term, determinable on life or lives, *freeholder, such copyholder, or leaseholder, having been in the occupation of the House, for which he may claim to vote, forty days preceding the election.*

One hundred and thirty-six of these votes were objected to, for having *fraudulent leases*, or none at all; some, as not having been resident *forty days*; and others as inmates, or having split tenements. Forty votes were objected to as parish poor; besides twenty of the hundred voters who were also objected to for different reasons. It appeared in evidence, that most of these votes had been *faggotted*, and that the returning officer had been guilty of gross partiality in favour of the sitting members. On the 4th of April, the committee reported to the House, "That the petitioners were duly elected, and ought to have been returned."

The chairman at the same time reported, "That the conduct of the returning officer, in taking the poll, and making the return, at the last election of members to serve in Parliament for the borough of Cricklade, was partial and illegal, whereby a colourable majority was obtained on the poll for Mr. Coxe and Mr. Adamson."

This report, which was taken into consideration by the House, after long and tedious debates, and repeated adjournments, the whole session was

spent without coming to any conclusion upon the subject.

At the general election in 1790, Mr. Petrie again offered himself a candidate, in opposition to the old members, when the numbers were, for

Mr. Eastcourt 246—Mr. Heneage 194—

Mr. Petrie 111.

Beatson's
Reg.

The two former gentlemen being returned, in consequence of their majority, Mr. Petrie and some of the inhabitants again petitioned against the election of Mr. Heneage and Mr. Eastcourt. The petition was renewed the second and third sessions. On March 15, 1793, the chairman of the committee appointed to investigate this case reported to the House, that the committee had met with an interruption to their proceedings by Mr. Petrie, the petitioner, having been yesterday arrested. Upon motion it was agreed to, that the report by Mr. Bastard, the chairman, be referred to an open committee, to consider thereof, to examine precedents, and the chairman to report on the 18th, which he did : that the committee, considering the circumstances attending the arrest of Mr. Petrie, petitioner against the late election for Cricklade pending the trial of that election, are of opinion that the privilege of Parliament extended itself to the case of Mr. Petrie ; he therefore moved, that Mr. Petrie be discharged from the custody of the sheriff of Middlesex, to which the House agreed *nem. con.* On March 22, the chairman reported, That the sitting members had been duly elected ; that the petition of Mr. Petrie,

as far as it related to Mr. Eastcourt, was frivolous and vexatious; and that the petition of the inhabitants of Cricklade, as far as it related to the rights of election, was frivolous and vexatious.

CORPORATION.

None.

RIGHT OF ELECTION

April 1, 1684. Is in the freeholders and copyholders of the borough-houses, and leaseholders, for any term not under three years only.

June 10, 1685. Agreed by the counsel on both sides to be in the freeholders, copyholders, and leaseholders for three years.

April 1, 1689. Agreed by the counsel on both sides, that the right of election is in the freeholders and copyholders of borough-houses, and leaseholders for any term not under three years.

Feb. 8, 1776. Is in the Inhabitants possessing houses within the said borough, who are freeholders, copyholders, or leaseholders for any term not less than three years, or for any such term, or greater term, determinable on life or lives; such freeholder, copyholder, or leaseholder, having been in the occupation of the house for which he may claim to vote, four days preceding any election.

That the houses which were in the occupation of Thomas Bound, Thos. Kilmaster, sen. Richard Liddell, William Mabson, John Pounds, and Robert Strange, at the last election, are within the boundary of the said borough.

1782. By act of parliament is further vested in the freeholders of the five hundreds or divisions

of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury.

NUMBER OF VOTERS—1,200.

RETURNING OFFICER—the Bailiff of the borough, appointed at the court-leet of the lord of the manor.

PATRON—Joseph Pitt, esq., one member.

POLITICAL CHARACTER.

This borough is only remarkable for its former corruption, the last case which caused the right of voting to be extended to the five neighbouring hundreds we have reported in the representative history.

The ancient right of the borough voters being also retained and exercised in common with the freeholders of the five adjoining hundreds, and these freeholds, copyholds, and leaseholds, having been bought up by the late Earl of Caernarvon, enabled his lordship to create at every election about two hundred fictitious votes, by the assistance of which he always nominated one of the members. The fictitious leases are fully described in the Cricklade case of 1784, when Mr. Heneage and Mr. Nicholas, petitioned against the return of Mr. Coxe, and Mr. Adamson. The present Earl of Caernarvon sold this borough property, together with the manor and the appointment of the returning officer, to Mr. Pitt, an attorney and banker at Cirencester, who now returns one of the members.

Lord Viscount Andover, son of the Earl of Suffolk, was a candidate for this borough at the ge-

neral election in 1807, and had a majority of one hundred and twenty legal votes, but the returning officer, who is always the creature of the lord of the manor, admitted the fictitious voters to be polled, and determined the election against him.

The enormous expenses attending a petition where all the evidences are to be brought near a hundred miles to London, and the time occupied in scrutinizing two hundred surreptitious claims, which must be examined individually, is sufficient to deter the most opulent candidate from seeking redress.

LUDGERSHALL.

LUDGERSHALL or LUGGERSHALL is a borough and parish in the hundred of Amesbury, Wilts, 15 miles from Salisbury, and 70 from London; containing 109 houses and 471 inhabitants. Fair, 25th July.

REPRESENTATIVE HISTORY.

This borough returned members to Edward the First's Parliaments, and made three returns in Edward the Second's, and three in Edward the Third's time, ceased sending after 9th Richard the Second, till 9th Henry the Fifth, from which time it has been constantly represented.

PETITIONS, &c. March 10, 1625. Sir John Finch reported a double return. Sir William Walter and Mr. Mason by one, and Sir William

Walter and Sir Thomas Jea by another. Committee agreed the election of Sir William Walter good; but for the other a new election.

May 23, 1660. Mr. Turner reported a double return, that the question appeared to be whether the freeholders alone, or the freeholders and inhabitants, have right to elect members to serve in Parliament for this borough; and the committee are of opinion that the freeholders and inhabitants of this borough have right to elect; and that William Thomas, esq., returned by one of the indentures, (having a greater number of votes than Sir John Evelyn, knt., who is returned by the other indenture) is duly elected: whereto the House agreed.

March 24, 1680. A petition of Thos. Neal and John Garrard, esqrs., touching the election for this borough; and also another of Sir John Talbot, knt., and John Smith, esq., touching the same election.—Never heard.

May 23, 1685. A petition of Challoner Chute, esq., complaining of the undue return for this borough.—No report.

April 3, 1690. A petition of Edward Harrison, merchant, complaining of an undue return made by William Munday, junr., the bailiff.—No report.

Dec. 12, 1698. A petition of John Webb, esq., complaining of an undue return of Thomas Neal, esq., and Mr. Kent, by bribery, &c.

Feb. 11. Sir Rowland Gwyn reported that the candidates were Mr. Kent, Mr. Neal, and the petitioner, and the poll was,
For Mr. Kent, 71—Mr. Neal, 53—Mr. Webb, 47.

Hilton said, Mr. Neal sent 50*l.* to this borough by his servant Fransham, a little before the last Parliament was dissolved; and Fransham and one Bullock, who was agent for Mr. Neal, disposed of it by ten shillings to each voter, who would be for Mr. Neal: that two or three days before the writs came out he (Hilton) and four others had ten shillings each, and he saw ten or twelve pounds paid at ten shillings each, and he put his mark to a paper promising to vote for Mr. Neal.

Upon the whole the committee resolved,

1st. "That the right of electing members to serve in Parliament for this borough is in the Freeholders and Inhabitants not receiving alms."

2nd. "That Thomas Neal, esq., is not duly elected."

3rd. "That John Webb, esq., is duly elected."

Upon second reading the first question it was proposed to amend by leaving out the words, "freeholders and inhabitants not receiving alms," and inserting instead thereof, "such persons who have any estate of inheritance of freehold or leasehold, determinable upon life or lives; within this borough," which was agreed to by the House.

Resolved, "That the right of electing members to serve in Parliament for this borough, is in such persons who have any estate of inheritance of freehold or leasehold determinable upon life or lives within the borough."

The second and third resolutions were also read twice, and agreed to.

Nov. 2, 1705. A petition of Edmund Webb and John Webb, esqrs., complaining of an undue return of Walter Kent and Thomas Powell of London, merchants, by partiality of John Noyes the then bailiff, who was prevailed on by them to become their agent, and return them whether they were duly elected or not, and other illegal practices.

Nov. 3, 1705. A petition of John Dobbs, William Bayley, and other persons duly qualified to vote, to the same effect,

Mr. Compton reported that the right of election was agreed to be in the freeholders and leaseholders of the said borough, for life or lives.

On the bailiff's poll the numbers were,

For Mr. Kent 54—Mr. Powell 48—Mr. Edmund Webb 42—Mr. John Webb 42.

The petitioners endeavoured to add so many to the poll, and disqualify so many as polled for the returned members as would make a majority for the petitioners, and they called many witnesses as evidence of corrupt practices.

On the other hand, to prove bribery against the petitioners, many witnesses were called. Charles Crouch said, Thomas Poulton offered him fifty guineas and a bell to be for the petitioners.

John Lay said, he was offered ten guineas if he would turn himself and three others to be for the petitioners.

Upon the whole the committee resolved,

“That Walter Kent, esq., is duly elected.”

“That Thomas Powell, esq., is not duly elected.”

“That Edmund Webb, esq., is not duly elected.”

“That John Webb, esq., is duly elected.”

March 4, 1713. A petition of Henry Skylling, esq., against the return of Robert Ferne, esq.—No report.

March 30, 1713. A petition of Thomas Webb, against the return of John Ivory Talbot and John Webb, esqrs.—Withdrawn.

Oct. 18, 1722. A petition of Thos. Webb, sergeant at law, against the return of John Webb and Borlase Webb, for bribery, &c.

Jan. 23, 1723. Another petition of said Thos. Webb, to the same effect.

Nov. 25, 1724. Another petition of said Thos. Webb, same as last.—Dec. 2. Withdrawn.

Jan. 23, 1735. John Dalston, esq., petitioned.—Withdrawn.

Dec. 1, 1790. John Drummond and Robert Drummond, esqrs., petitioned against the election of the Hon. William A. Harbord and George Augustus Selwyn, esq. The petitioners alleged, that the majority of legal votes was in their favour.

Peckwell,
v. 1. p. 377,
381.

Feb. 16, 1791. The Speaker informed the House that he had received information, by a certificate signed by two members of the House, of the death of Mr. Selwyn, one of the sitting members, and that he had sent notice thereof to the returning officer of Ludgershall. On the same day, a petition of the Hon. John Thos. Townshend was read, stating the death of Mr. Selwyn, so certified to the House, and that the petitioner had claimed to vote, and had actually voted for Mr. Selwyn

and Mr. Harbord at the last election; that these gentlemen had been duly elected, and that the allegations of the petitioners were unfounded, and could not be supported, and that the petitioner was desirous of supporting his own right and the rights of those who gave their votes at the said election for Mr. Selwyn, and prayed that he might be admitted a party before the select committee, in the room of Mr. Selwyn. The Hon. J. T. Townshend was accordingly ordered to be admitted a party in the room of the said G. A. Selwyn, esq.

Glenbervie,
v. 4, p. 480.
488.

The committee was appointed March 29, 1791. The petitioners stated, that the right of election for members to serve in Parliament for the borough of Ludgershall is in such persons who have any estate of inheritance, or freehold, determinable upon life or lives, within the said borough, according to the last determination of the House.

Feb. 11, 1698. The sitting members contended, that by those words were meant only such persons as have any estate of such inheritance, determinable upon life or lives, in entire ancient houses, or the entire sites of ancient houses within the said borough. On the 15th of April the committee decided in favour of the sitting members.

Against this decision the Right Hon. George Viscount Middleton, of Ireland, the Hon. W. Broderick, and the Hon. Charles Townshend, petitioned Dec. 17, 1791.

Jan. 2, 1793. Thomas Everett, esq., and T. Bath, gent., electors of members to serve in Parliament for the borough of Ludgershall, presented a petition praying to be heard in favour of the de-

cision. These petitions were ordered to be tried by a committee, May 20, 1793, but the day preceding the trial, the petition questioning the right of election was requested to be withdrawn, to which the House agreed.

CORPORATION.

None.

RIGHT OF ELECTION.

Feb. 11, 1698. Is in such persons as have an estate of inheritance, or freehold, or leasehold, determinable upon life or lives within the said borough.

Jan. 17, 1705. Is in the Freeholders or Leaseholders of the said borough determinable upon life or lives.

NUMBER OF VOTERS—number uncertain, but actually only two.

RETURNING OFFICER—the Lord's Bailiff.

PROPRIETORS—Sir James Graham and J. H. Everett, esq.

POLITICAL CHARACTER.

This place which in its dimensions is like all the proprietary boroughs, only an insignificant village, has a right of election of a very complicated kind, which has puzzled the committees of the House of Commons, and even the reporters to understand. It appears to us that occasionality is not admissible here, and yet Mr. Selwyn, the proprietor of this borough and Mr. Harbord were declared duly elected by voters of that description in 1790. It is not possible decisively to shew that the committee decided the votes to be good, against whom

such strong circumstances of occasionality appeared, but they have always been understood to have so decided.

Mr. Douglas objected to every vote given to these members upon the ground of occasionality, but they were determined to be duly elected.

This committee came to no decision on the right of election, but left it as it was declared by the last determinations of the 11th of February, 1698, and January 17, 1705.

A compromise having taken place in 1793, between Lord Sydney, heir to Mr. Selwyn, and Thomas Everitt, esq., on the condition of each nominating a member, all further dispute has subsided.

These joint proprietors have since that period been succeeded by their sons, and the present Lord Viscount Sydney has sold his interest in this borough to Sir James Graham, bart., with the manor and the appointment of returning officer which Sir James executes in his own person with great pleasantry and good humour while this farce of an election is acting.

The dramatis personæ upon these occasions are generally the proprietors of the borough with an attorney and an apothecary from Andover.

While the compromise between the two proprietors continues to exist, and each party is contented with returning one member, the question of splitting and dividing votes will not be agitated, as these two gentlemen have the whole right in themselves.

Some of the favoured spots of land which convey the right of voting in this borough might be covered with a common hearth stone.

OLD SARUM.

OLD SARUM, or OLD SALISBURY, an ancient borough, in the parish of Stratford under the Castle, hundred of Underditch, Wilts, $1\frac{3}{4}$ miles from Salisbury; and though, as Walker says, it once covered the summit of a high steep hill, is now reduced to part of the foundation only of the old castle, containing neither house nor inhabitant.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament 23d. Edward I., and then intermitted till 34th Edward III., since when it has constantly returned. By the return 1st. Henry V., it appears that its representatives were with those of other boroughs elected at the county court.

PETITIONS, &c. April 27, 1660. Mr. Turner reported from the Committee of Privileges and Elections, a double return for this borough, that Seymour Bowman and John Norden, esqrs., are returned by the bailiffs and burgesses; and Algernon Cecil, esq., singly by the burgesses without the bailiffs: and the opinion of the committee that Seymour Bowman and John Norden, ought to sit till the merits determined.—Never determined.

Nov. 3, 1669. A petition of Sir Wm. Salkield, complaining of an undue return for this borough.

Nov. 17. Sir Job Charleton reported the case in the election between Sir Eliab Harvey and Sir William Salkield.

Resolved, "That the House doth agree with the committee that Sir Eliab Harvey was duly elected."

Jan. 22, 1688. A petition of Sir Thos. Mompesson and Sir Eliab Harvey, knts., complaining of illegal practices committed in the election of members to serve in this present convention for this borough, and of an undue return made thereupon in injury of the petitioners.

March 14. Resolved, "That the right of electing and returning members to serve in Parliament for this borough, is in the freeholders, being burgage-holders of the said borough.

Resolved, "That the election is a void election."

Nov. 2, 1705. A petition of John Lord Viscount Grandison, complaining of an undue return of Charles Mompesson, esq.

A petition of Charles Mompesson, esq., against the return of Lord Grandison.

Dec. 11. Mr. Compton reported the matter of this double return between Lord Grandison and Mr. Mompesson, the numbers were equal, viz. five each; except that Mr. Mompesson voted for himself, to make one of the five.

Mr. Mompesson insisted that two, viz. Mr. Elliot and Mr. Brooks, were qualified to vote, and offered to vote for Mr. Mompesson, and were re-

fused ; and that two others Mr. Carter and Mr. Swanton, who voted for Lord Grandison, had no right.

Mr. Carter said, he had a lease from Lord Grandison for three lives, made to him in April last. He owned he had received no rent, but had given his note for the purchase money, being 225*l.* that the rent was 12*l.* per annum, out of which 12*d.* per annum is reserved to Lord Grandison.

Mr. Payne said, that Lord Grandison polled at the county election for lands within this borough : and as to Mr. Swanton, it was said he voted for the old castle, and was to give 1000*l.* for it ; but Mr. Pitt's servants ploughed and sowed it ; he believed he voted at three elections.

Resolved, " That Charles Mompesson, esq., is duly elected."

March 26, 1715. A petition of Richard Jones and Charles Tooker, esq., complaining of an undue return of Thomas Pitt and Robert Pitt, by partiality of Robert Paine, under-sheriff of the said county.

A petition of Francis Swanton, esq., and other voters.—April 9. Petitions withdrawn.

CORPORATION.

None.

RIGHT OF ELECTION.

Nov. 14, 1688. Is in the Freeholders, being burgage-holders of the said borough.

NUMBER OF VOTERS—nominally seven, but actually only one.

RETURNING OFFICER—the Bailiff.

PROPRIETOR—Earl of Caledon.

POLITICAL CHARACTER.

Old Sarum retains the name and immunities of a borough, it might be supposed for the purpose of ridicule only. To see a spot of ground because it was formerly inhabited possess municipal rights, have a nominal bailiff and burgesses, and return two members to Parliament, who are called the virtual representatives of fifteen millions of people, is an absurdity so glaring, as to render animadversion useless, and we should think would cause the supporters of what is called the present system of representation to laugh at the credulity of such as they could impose on.

If Old Sarum was a singular instance of creating a representation from nothing, it might be less subject to reproof, but it is equally insulting to the mind of a great and powerful nation to be told that there are not more than two hundred individuals in the country who are competent to choose a great majority of the legislators by whom they are to be governed. Seventy-three boroughs which send double that number of members are the personal property of individuals, and four hundred and seventy-four, out of six hundred and fifty-eight who compose the whole House of Commons, are returned by the nomination or personal influence of about two hundred peers and opulent commoners !

If we are to be content with *virtual* representation, the government should be equally satisfied with *virtual* taxation, for it is the first principle of our constitution that representation and taxation

are inseparable. The great Earl of Chatham called these boroughs the excrescences, the rotten part of the constitution, which must be amputated to save the body from a mortification.

Old Sarum was the property of the late Lord Camelford, who sold it to the present Earl of Caledon. His lordship nominates seven voters for the election day, who return the two members.

MARLBOROUGH.

MARLBOROUGH is a borough and market town, consisting of two parishes, in the hundred of Selkley, Wilts, containing 441 houses and 2,367 inhabitants, viz. 1,178 males and 1,189 females, of whom 579 were returned as being employed in various trades. The town has no trade of any consequence, except the supply of corn and cheese to the market. The market is on Saturday. Fairs, 29th June, 20th July, 15th Aug., 21st Sep., and 11th November.

REPRESENTATIVE HISTORY.

This borough according to Carew, returned members to Parliament from the twenty-sixth of Edward I., but Willis writes it returned the twenty-third of that reign.

In Mr. Prynne's list we find 7th, 8th, 9th, 22d, 24th, 25th, 26th, and 34th of Edward III., the sheriff of Wiltshire returned for this borough, from whence it appears the chief officers were then the bailiffs. We meet with no memoirs of its

manner of election till since the Reformation, when these following occur.

PETITIONS, &c. May 4, 1641. A petition of divers the inhabitants of this borough was this day received; and it is ordered to be referred to the same committee as the other petition concerning this election is referred, where Sir Guy Palmes has the chair. We meet with no other memorandum of this petition.

In the year 1680, it appears a petition was presented against the election of Lord Bruce and Mr. Bennet, but it doth not appear who were the petitioners.

Dec 24. Mr. Treby reports two resolves:

“That Thomas Lord Bruce is duly elected.”

“That Thomas Bennet, esq., is duly elected.”

March 25, 1681. A petition of the burgesses of this borough.—No report.

Jan. 22, 1688. A petition of Nathaniel Bayley, gent., and others, on behalf of themselves and the major part of the burgesses of this borough, complaining of an undue election and return for this borough, to serve in the present convention.

10 Journ:
p. 70.

Luders,
v. iii. p. 23.

Peckwell,
vol. i. p.
140—1.

April 1. Colonel Birch reported the matter upon the petition of the inhabitants, &c. the question was, Whether the election ought to be by the mayor and a select number of burgesses, or by the populacy, paying scot and lot. The sitting members, who had been elected by the mayor and a select number of burgesses, relied upon the usage. The petitioners insisted, “That there never was a mayor till Henry IV. and that of common right the inhabitants had a right, unless the

contrary was proved; that the mayor was in time of memory as before; so he and the select number could not prescribe to have the right of election." The committee decided in favour of the sitting members, "Finding, both by the records and the witnesses, that the *usage* of the election of the said borough had been by the mayor and a select number of burgesses."

"And that Sir John Ernly, knt., and Sir George Willoughby, knt., were duly elected."

Dec. 3, 1695. A petition of Sir Giles Long, bart., complaining of an undue return of Thomas Bennet, esq.—No report.

Dec. 5, 1710. A petition of John Pratt, sergeant at law, complaining of an undue return of Lord Bruce and James Bruce, esq., by divers illegal practices, &c.—No report.

March 30, 1715. A petition of Gabriel Roberts and Francis Hayes, esqrs., complaining of an undue return of Sir William Humphreys and Joshua Ward, esq.

A petition of John Fowler, mayor, and also of the burgesses of this town, which afterwards was withdrawn.

Feb. 26, 1716. Another petition of Gabriel Roberts, esq.

Resolved: "That the right of election of members to serve in Parliament for this borough, is in the mayor and burgesses of this borough only, "That Sir Joshua Ward is not duly elected."

"That Sir William Humphreys, knt., and bart., is duly elected."

"That Gabriel Roberts, esq., is duly elected."

In 1735, Thomas Newnham and Benjamin Hayes, esqrs., petitioned against the return of Francis Seymour and Edward Lisle, esqrs. The sitting members were declared duly elected.

CORPORATION.

It consists of a mayor and two bailiffs, chosen out of twenty capital burgesses.

RIGHT OF ELECTION.

May 13, 1717. Is in the Mayor and Burgesses of the said borough only.

NUMBER OF VOTERS—5.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Aylesbury.

POLITICAL CHARACTER.

This borough appears to have been under the influence of the Bruce family ever since the restoration of Charles the Second, when corporations began to assume the exclusive right of voting for members of Parliament.

The first petition from this borough was in 1680, against the return of Lord Bruce, and Mr. Bennit, by the select body consisting of only twenty capital burgesses, and eight years afterwards we find the inhabitants at large claiming their *ancient right* to elect members of Parliament, which must have been inherent in them, because the right of election here, as in most other places is more ancient than the charter, and it is impossible that corporations could possess exclusive privileges antecedent to their existence.

The committee decided in 1689, that the right was in the twenty capital burgesses.

This corporation we understand is in danger of being dissolved by the reduction of one of the integral parts below a moiety of its number, it having at one time been reduced to only five members, and this defect cannot be cured by a lapse of six years, as is the case with an individual corporator.

GREAT BEDWIN.

GREAT BEDWIN is a borough in the hundred of Kinwardstone, Wilts, seven miles from Hungerford, 70½ from London. It contains 312 houses, 1,632 inhabitants, of whom 193 were returned as being employed in various trades. The market is now discontinued, it being so near Marlborough.

REPRESENTATIVE HISTORY.

This is a very ancient borough and sent members to all Edward I. Parliaments, and having returned first and eighth of Edward II., and 36 and 37 of Edward III., and to seven of Richard II. Parliaments, intermitted sending after his 10th year except first of Henry IV. till the ninth Henry V. since which it has constantly returned.

PETITIONS, &c. April, 1640. Richard Harding and Charles Seymour, esqrs., were chosen, which was contested. The account in the Journals seems imperfect, it is as follows. "Mr. Jones's second report from the Committee of Privileges.

That the election for this place did belong to the bailiffs, portreeves, and ancient burgesses of the town; that there were some misdemeanors in one Franklin that got the precept in the bailiff's hand and caused a new election for his own ends, and returned burgesses under the hands of an officer to whom the warrant was not directed. It was denied on the other side, that the election of burgesses did belong to the ancient burgesses of the town; which were the bailiff's, portreeves, and those that had been officers of the town; and the election was free to every one that paid scot and lot. The committee being not satisfied it did belong to the ancient burgesses by prescription, they remitted the election to the inhabitants that paid scot and lot, who chose Mr. Harding and Mr. Sayer.

Resolved: "That in the opinion of the House, grounded upon the whole report now made by Mr. Jones, Mr. Harding and Mr. Seymour, are well elected."

May 16, 1660. Mr. Turner reported, that, upon examination of the fact, the question (upon the election for this borough,) being, whether the *inhabitants* in general ought not to elect, the committee were of opinion that the *burgesses* at large have a right to elect.

Resolved: "That Mr. Spencer and Mr. Gape are duly elected."

Peckwell,
v. i. p. 126.

May 17, 1661. Sergeant Carleton reported from the Committee of Privileges that Duke Stonehouse and Henry Clarke, esqrs., are returned by one indenture, and the said Mr. Stonehouse and Mr. Thomas Gay by another; and the opinion of

the committee, Mr. Clarke being returned by the proper officer, ought to sit, to which the House agreed.

Dec. 12, 1698. A petition of Patrick Bird and John Morgan, inhabitants of this borough, against Dr. Charles Davenant.—Withdrawn.

A petition of Thomas Neal, esq., to a similar effect.

Mr. Neale died, and thereupon ordered, that the committee be discharged from proceeding in the said petition.

Nov. 2, 1705. A petition of the Rt. Hon. Charles Lord Bruce and the Hon. James Bruce, complaining of an undue return of Sir George Bing and Mr. Polexfen by bribery and other corrupt practices.—Petition withdrawn.

Dec. 4, 1707. A petition of Nicholas Polexfen, esq., against Mr. Tracey Pauncefort for bribery and undue practices.

Dec. 22. Mr. Compton reported, “That the right of election was agreed to be in the freeholders and inhabitants of ancient burgage messuages.”

The poll was, for M. Tracey Pauncefort 68, Mr. Edward Pauncefort 29, the petitioner 22, that eight voters of Mr. Tracey Pauncefort’s and one of Mr. Edward Pauncefort’s were admitted to be unqualified, living in houses erected on new foundations.

As to bribery several witnesses were called, Richard Bartholemew said he was called out of his bed on Sunday night 23d Nov., to go to Munday’s at the King’s Head; and when he came he found many of his neighbours there; and it was

proposed to set their hands to a writing to join at the election of Mr. Tracey Pauncefort, and 3*l.* a man was offered; but some insisted to have 4*l.*, but it was answered that 3*l.* was a pretty deal of money for the time this Parliament was like to continue, and so 3*l.* a man was agreed to.

Nalder and seven others said they were sent for between two and three o'clock at night to Monday's, and were called up stairs, and a writing was offered to them to sign, to choose Mr. Tracey Pauncefort; that there was in the room Captain Hall and Mr. Hall, and a person whose name they did not know; that they received two guineas and seventeen shillings in silver from the nameless person: and when they received it they saw a great sum on the table divided into parcels.

Bezant said that about sixty were called up into the room one by one, but some that were so called voted for the petitioner.

They then produced a note under Mr. Tracey Pauncefort's hand as follows: "Nov. 6, 1707. I promise to pay to Mr. Bushell or order the sum of forty-nine pounds on demand, value received.

T. PAUNCEFORT."

It was indorsed "John Bushell," who they alleged was a leading man in the town, and that the money was given him for his interest.

Upon the whole the committee resolved: "That Tracy Pauncefort, esq., was found not duly elected; and he was ordered into custody for bribery and corruption, as also John Bushell, gent., his agent."

"That Nicholas Polexfen, esq., was duly elected."

Nov. 23, 1708. A petition of Tracy Paunce-

fort, esq., against Samuel Sambrook, esq., for bribery, &c.—Withdrawn.

Oct. 25, 1722. A petition of several of the burgesses of this borough complaining of an undue return of Mr. Bruce and Mr. Long, by partiality of a smith who acted as portreeve, and other illegal proceedings.—No report.

March 26, 1729. George, Viscount Lewisham, was declared not duly elected.

Jan. 1735. John Crawley and Abel Ketelby, esqrs., petitioned.—No report.

In 1747, there was a double return: viz. Sir Edward Turner, bart., and William Scott, esq., and William Sloper and Lascelles Metcalf, esqrs. There was a petition against each return, each candidate claiming the right to be returned, and the majority of votes. It appeared upon the evidence, (Dec. 7th,) that the double return was made by consent of the candidates; and further, that this measure proceeded from some confusion in taking the poll, but the precise question is not stated. It was tried at the bar of the House, and the question, that the return should be considered separately from the merits, was negatived. Sir Edward Turner and Mr. Scott were found not duly elected.

Peckwell,
v. ii. p. 377.

25 Journ.
p. 461.

CORPORATION.

None.

RIGHT OF ELECTION.

March 29, 1729. In the Freeholders and Inhabitants of ancient burgage-messuages.

NUMBER OF VOTERS—nominally about 80, but actually only *one*.

RETURNING OFFICER—the Portreeve, who is called a mayor, and is chosen at the lord's court, and appoints a bailiff under him.

PROPRIETOR—Earl of Aylesbury.

POLITICAL CHARACTER.

This being a burgage-tenure borough, and those nominal franchises being all the property of the Earl of Aylesbury, his lordship has the appointment of the returning officer, and the nomination of both the members.

WOOTTON BASSET.

WOOTTON BASSET is a borough, market-town, and parish, in the hundred of Kingsbridge, Wilts, $5\frac{1}{2}$ miles from Swindon, and $88\frac{1}{2}$ from London; containing 279 houses and 1,244 inhabitants. Market on Friday. Fairs, 4th May, 13th Nov. and 19th Dec.

REPRESENTATIVE HISTORY.

This borough first returned burgesses to Parliament in the 25th of Henry VI., from which time it has continued so to do. We meet with no traces concerning the right of election until since the revolution, when the following occur in the Journals of the House of Commons.

PETITIONS, &c. June 1, 1685. A petition of William Hussey, esq., touching the election for this borough.—No report.

March 24, 1689. A petition of Thomas

Webb, esq., complaining of an undue return of Henry St. John, esq., by partiality of Arthur Brinsden, mayor of this borough, and John Wilkins, town-clerk, and other indirect practices.

Oct. 6, 1690. Another petition of the said Mr. Webb, to the same effect.

Mr. Gray reported, That for the petitioner was called Charles Brinsden, who said he took the poll at the request of the petitioner, and that it appeared, that the numbers were for each 90. "That it had been suggested, that the petitioner had obtained votes by bribery, whereupon the committee had directed the counsel on both sides to apply themselves to the matter of bribery first;" and, in conclusion, the petitioner was declared not duly elected, upon that charge, and his agent was ordered into custody for distributing bribes to the electors.

Resolved, "That Henry St. John is duly elected."

Feb. 13, 1700. The House being informed, that Samuel Shepherd, esq., a member of this House, hath been guilty of bribery at several corporations, in order to procure members to be elected into this Parliament.

Resolved, "That Samuel Shepherd, esq., is guilty of endeavouring, by bribery and corrupt practices, to procure an election of a burgess to serve in this Parliament for this borough."

Resolved, "That Mr. Lawrence, agent for Samuel Shepherd, sen., esq., is guilty of endeavouring, by bribery and corrupt practices, to procure an election of a burgess to serve for this borough."

Ordered: "That the said Mr. Lawrence be, for his said offence, committed prisoner to his Majesty's prison of Newgate."

Oct. 11, 1722. Wm. Northey and John Brinsden, esqrs., petitioned.—Withdrawn.

Jan 27, 1728. Wm. Northy, esq., petitioned.—Renewed sessions, 2d and 3d.

Jan. 23, 1735. Edmund Prideaux Gwyn and King Gould, esqrs., petitioned.

In 1742, Nicholas Robinson, esq., petitioned; it was renewed the second session, but not being signed by himself, he had leave to withdraw it.

CORPORATION.

Is governed by a mayor, two aldermen, and twelve capital burgesses.

RIGHT OF ELECTION

In the inhabitants, paying scot and lot.

NUMBER OF VOTERS—about 250

RETURNING OFFICER—the Mayor.

PATRONS—Earl of Clarendon and Lord Viscount Bolingbroke.

POLITICAL CHARACTER.

This borough was strongly contested at the general election in 1784, between the Earl of Clarendon and Lord Viscount Bolingbroke, who have considerable estates in the neighbourhood; and the latter nobleman resides at Lydiard Park, about three miles from the place.

George Tierney, esq., was a candidate in the interest of the former; and Lord North, and the

Hon. R. S. Conway, in that of the latter. These two last gentlemen had a majority on the poll, and were accordingly returned; but a petition was presented by George Tierney, esq., which was heard in the month of April, 1785, when the committee decided in favour of the sitting members.

After this contest, the two lords agreed to send each a member, and continued to do so till 1807; the electors being mostly poor labouring men in the employment of these noblemen or their tenants.

In 1807, Mr. Kibblewhite, an attorney in Gray's Inn, opposed the united interest of the lords, and procured the return of two members by a great majority. Upon this occasion, the price of votes in this borough rose from twenty to forty-five guineas a man.

One of the members chosen at this election, vacating his seat soon afterwards, Benjamin Walsh, esq., a stock-broker in London, was returned, who becoming a bankrupt shortly afterwards, it appeared, upon his examination, that he had paid four thousand guineas for his seat.

Mr. Walsh was, during the same parliament, convicted at the Old Bailey of a fraud upon Sir Thomas Plumer, and thereupon expelled the House.

Mr. Kibblewhite procured the return of another member in his room; as he did upon the occasion of General Sir John Murray vacating the other seat, to be elected for Weymouth and Melcombe Regis.

At the general election in 1812, Mr. Kibblewhite and Mr. Attersol were chosen; but soon

after the meeting of Parliament they both vacated their seats, and Mr. Ellison and Mr. Rickards were returned by the same interest.

Mr. Kibblewhite, during his connexion with this borough, had erected and purchased one hundred and eight houses of the meaner sort, which he has since sold, together with his interest in this place, to Joseph Pitt, of Cirencester, esq., the patron of Cricklade and Malmesbury, for twenty-two thousand pounds.

Mr. Kibblewhite obtained a judgment of ouster against five, out of fifteen, of the corporation, in the Court of King's Bench, for informality in their proceedings, and caused his brother, and four others of his own party, to be appointed in their room, which gave him a majority in that body. Since the sale of his interest, three of these persons have resigned, and Mr. Pitt, his eldest son, and his former clerk, have succeeded them.

Mr. Pitt has now the majority of the corporation, but the borough has returned to the patronage of the two lords, who have now a majority of at least four to one against the purchaser of Mr. Kibblewhite's interest.

WORCESTERSHIRE.

WORCESTERSHIRE is bounded on the north by Salop and Stafford; on the west by Herefordshire; on the south by Gloucestershire; and on the east

by Warwickshire; its extreme length may be computed at 30 miles, and its breadth at 20; being an area of 674 square statute miles, equal to 431,360 square acres, having 200,000 acres arable, and 150,000 acres pasturage. It is divided into five hundreds, viz., Backenhurst, Doddingtree, Halfshire, Oswaldslow, and Pershore, containing one city, Worcester, three boroughs, Bewdley, Droitwich, and Evesham; eight market-towns, Bromsgrove, Dudley, Kidderminster, Pershore, Shipston, Stourbridge, Tenbury, and Upton; the whole containing 152 parishes; 26,711 houses inhabited by 139,333 persons, viz. 67,631 males, and 71,702 females; of whom 30,230 were returned as being employed in trade, handicraft, and manufactures, and 38,865 in agriculture: amount of money raised for the maintenance of the poor in 1803, 87,307*l.*, being at the rate of 5*s.* 0½*d.* in the pound; total amount of income, according to the Property Tax Act, 1806, 1,309,122*l.*; and the average scale of mortality for 10 years, appears to have been as 1 to 46 of the existing population. The products of the county, besides corn and cattle, are fine wool, hops, cyder, and perry; the latter, especially, is in great reputation. A large quantity of the whitest salt is made from the brine springs at Droitwich. It is included in the Oxford circuit, the province of Canterbury and diocese of Worcester; and sends nine members to Parliament, two for the county, two for each of the towns of Droitwich, Evesham, and Worcester, and one for Bewdley.

REPRESENTATIVE HISTORY.

This county returned knights to the shire from 22d of Edward I. In the 29th of Henry VI. we find a particular return to the writ for election. After this we meet with no other memoirs until after the Reformation; when these following occur in the Journals.

PETITIONS, &c. Jan. 4, 1640. Ordered: "That both the petitions concerning Sir Thomas Littleton, the sheriff of this county, and Sir William Russell, now with the Committee of Privileges, be referred to the committee for Sir Lewis Dives, his petition.

Jan. 3, 1701. A petition of Wm. Walsh, esq., complaining of an undue return of Sir John Pakington, by bribery and other indirect practices, and also partiality of the sheriff.—No report.

Nov. 2, 1702. A complaint was made to the House, that the Lord Bishop of Worcester, and Lloyd his son, had been guilty of a breach of privilege at the last election for that county. The same was ordered to be taken into consideration on the 18th of the same month; when the House, according to the order of the day, proceeded to take into consideration the complaint of Sir John Pakington, the 2d inst., against the Lord Bishop of Worcester, and Mr. Lloyd, his son, relating to the rights and privileges of the House of Commons; and Sir John Pakington, in his place, acquainted the House, that he had reduced the matter of the said complaint into several heads; which he read in his place, and is as follows: viz,

“ 1st. That, soon after the Parliament rose, the Bishop of Worcester took upon him to send to me to desist from standing to be elected knight for that county, and to threaten me, that, if I did not desist, he should think himself obliged to speak against me to his clergy.

“ 2dly, He sent some letters himself, and his secretary sent others, to several of his clergy, with directions to make what interest they could against me in their several parishes; and where they could not prevail, with such who voted singly for me in the last election, to give a vote to one or both the other candidates, they should desire them to stay at home; and, in order to this, his lordship sent them copies of the poll to their respective parishes.

“ 3ly, He aspersed me to his clergy, branding me and my ancestors with several vices; and, at his confirmation and visitations, solicited his clergy to vote against me, representing me as very unfit to serve in Parliament, and threatening them with his displeasure, if they did not vote against me.

4thly, He aspersed me and my ancestors to several of the laity, who were his tenants, and threatened them, that, if they would not vote against me, they should never renew any estate under him; and that he should set such marks upon them, that his successors should not suffer them nor their children to renew any more.

“ 5thly, Mr. Lloyd, the bishop's son, aspersed me, and gave scandalous characters of me to several freeholders, whom he solicited to vote against me,

and told them I voted for bringing in a French government.

“ 6thly, The bishop’s secretary aspersed me to several freeholders in the like manner ; representing me as unfit to sit in the House, threatening them with the bishop’s displeasure, and said they might as well vote for the Prince of Wales as for me.”

After which, the witnesses to the respective heads were called in, and examined at the bar thereunto ; and then they severally withdrew.

Resolved, *nem. con.*, “ That Sir John Pakington has, by evidence, fully made out the charge which he exhibited against the Lord Bishop of Worcester.”

Resolved, *nem. con.*, “ That Sir John Pakington has fully made out the charge against Mr. Lloyd, the said Lord Bishop’s son.”

Resolved, “ That it appears to this House, that the proceedings of William Lord Bishop of Worcester, his son, and his agents, in order to the hindering the election of a member for the county of Worcester, have been malicious, unchristian, and arbitrary, in high violation of the liberties and privileges of the Commons of England.”

Resolved, “ That an humble address be presented to her Majesty, that she will be graciously pleased to remove William Lord Bishop of Worcester from being almoner to her Majesty.”

Resolved, “ That the said resolution and address be presented to her Majesty by such members of this House as are of her Majesty’s most honourable privy-council.”

Ordered, "That the further consideration of the matter relating to the Lord Bishop of Worcester, be adjourned till this day se'ennight."

Ordered, "That Mr. Attorney-General do prosecute Mr. Lloyd, the Lord Bishop of Worcester's son, for his said offences, after his privilege, as a member of the lower House of Convocation, is out."

The Lords took the alarm at these proceedings of the Commons against a member of their House, and endeavoured to screen him from their resentment. An address from the Lords to the Queen was agreed to, in which they stated, "That it was
"the undoubted right of every lord of Parliament,
"and of every subject of England, to have an
"opportunity of making his defence before he
"suffers any sort of punishment, and therefore
"humbly desired her Majesty that she would be
"pleased not to remove the Lord Bishop of Worcester from the place of lord almoner, nor to
"shew any mark of her displeasure towards him,
"till he be found guilty of some crime by due
"course of law." This address being presented to the Queen, she returned answer, "That she
"agreed, that every peer and lord of Parliament,
"and indeed every other person, ought to have
"an opportunity of being heard to any matters
"objected against him before he be punished:
"that she had not yet received any complaint
"against the Bishop of Worcester; but she looked
"upon it as her undoubted right to continue or
"displace any servant, attending upon her own
"person, when she should think proper." The

Lords, upon this answer, resolved the same day unanimously, “ That no Lord of their House
“ ought to suffer any sort of punishment by any
“ proceedings of the House of Commons, other-
“ wise than according to the known and ancient
“ rules and methods of Parliament.”

Mr. Comptroller reported to the House of Commons, that their resolutions, and address to her majesty, for the removing William Lord Bishop of Worcester from being lord almoner to her majesty, had been presented to her majesty, and that her majesty had been pleased to grant this most gracious answer:—

“ I am very sorry that there is occasion for this
“ address against the Bishop of Worcester. I shall
“ order and direct, that he shall no longer con-
“ tinue to supply the place of almoner; but I
“ will put another in his room, to perform that
“ office.”

Resolved: “ That the most humble thanks of this House be returned to her majesty, for her majesty’s most gracious answer to their address, relating to William Lord Bishop of Worcester.”

Ordered: “ That Mr. Comptroller of her Majesty’s household do return the said most humble thanks of this House to her majesty.”

March 25. Ordered: “ That the evidence given in at the bar of this House upon the charge of Sir John Pakington against William, Lord Bishop of Worcester, and Mr. Lloyd, his son, be printed, together with the proceedings of that House thereupon.”

Ordered; “ That the week’s books, in relation

to the said evidence, be examined, and that Mr. Speaker do take care of the printing the said evidence and proceedings.

Ordered: "That the further consideration of the matter relating to the Lord Bishop of Worcester, be adjourned till this day se'nnight.

On the 23d, 1703, the solicitor-general reported to the House the proceedings which had been made against Mr. Lloyd, the Lord Bishop of Worcester's son.

POLITICAL CHARACTER.

The predominant interest in this county is in Lord Foley and Lord Beauchamp, who have nominated the members for the last nine Parliaments. The former nobleman is supported by Lord Viscount Dudley and Ward, Lord Lyttelton and Lord Somers, and the latter by the Earl of Coventry.

The political history of Worcestershire has been remarkable for the unconstitutional interference of the bishop of this diocese, at the general election in 1702, in the first year of the reign of Queen Ann, and the merited punishment he experienced upon that occasion. A similar attempt to establish ecclesiastical influence was made by Dr. Samuel Horsley, bishop of St. David's, at the Carmarthen election, in 1790, in favour of Sir William Mansel, against John George Phillips, esq.; but as it failed in its effect, and Mr. Phillips was unanimously elected, no complaint was made to the House, and Dr. Horsley escaped the consequences which befel the Bishop of Worcester.

WORCESTER CITY.

WORCESTER CITY, in Worcestershire, $5\frac{1}{4}$ miles from Droitwich, 111 from London, by Evesham, and 120 by Tewkesbury. It contains nine parishes within the city, 2,237 houses, and 11,352 inhabitants, viz. 4,909 males, and 6,443 females, exclusive of the two out-parishes of St. John and St. Michael's Bedwardine, and a part of the parish of St. Peter's and St. Martin's: containing 428 houses, and 2,319 inhabitants. The hop-market is the most considerable during the hop-season, in the kingdom, and is governed by guardians, chosen out of every parish in the city. The market days are on Wednesdays, Fridays, and Saturdays.

REPRESENTATIVE HISTORY.

This is the capital of the county and diocese of this name. It returned members to Parliament from the time of 23d of Edward I. In the 29th of Henry VI., by a return, it appears, the number of electors was small, but it doth not set out who they were, viz. whether members of the corporation, or freemen; but the more modern memoirs in the Journals have fixed the right of election as follows.

PETITIONS, &c. March 24, 1680. A petition of Thomas Harris, esq., touching the election for this city.—Never heard.

Dec. 23, 1693. A petition of John Oakley, mayor, John Handy, and other citizens of this city, having right to elect members, complaining

of an undue return of Samuel Swift, esq., by divers illegal practices, &c.

A petition of Charles Cocks, esq., against the return of Samuel Swift, esq.

Feb. 7. Mr. Bowyer reported the case as follows:—It was agreed on both sides, that the free-men who did not receive alms were the electors: the poll was also agreed to be—

For Mr. Swift 682—For petitioner 575.

Milward gave in a list of such as were denied to poll being 103, and proved their offering to poll; but the door was shut against them, and Alderman Haynes kept the key.

Collins proved the demand, and that the sheriff refused to poll them; and that four quakers coming to poll for the petitioners were refused, because they would not swear.

The churchwardens of the several parishes proved, that 26 of the votes for the sitting member had been relieved.

For the sitting members Burrell said, there were 112 who had a right to be free, and would have voted for Mr. Swift; and some of them came on the day of election.

Hart gave in a list of 158, who he said would have been for the sitting member.

Matthews spoke as to bribery on the part of the sitting member.

Minshoe said he was threatened to have no more work, if he did not vote for the petitioner; and if he did, he was to have 2s. weekly.

Milward said Gibbs owned that he had a pack of wool and money for acting for Mr. Swift.

Resolved: "That Samuel Swift, esq., is not duly elected."

"That Charles Cocks, esq., is duly elected."

Dec. 1, 1710. A petition of Benjamin Pearkes, alderman, and a citizen of this city, complaining of an undue return of Thomas Wylde, esq., by bribery and other indirect practices, and also great partiality of the sheriff.

April 26, 1711. Withdrawn.

March 31, 1715. A petition of Richard Lockwood, esq., complaining of an undue return of Thomas Wylde and Emanuel Swift, esq., by notorious bribery, and also by indirect and illegal practices of Thomas Yardley, the sheriff, &c.—No report.

Feb. 11, 1747-8, Thomas Geers Winford, esq., was declared not duly elected: the counsel for the sitting member contended, that the right of election was general—"in the freemen not receiving alms."

In 1762, Robert Tracey, esq., petitioned, but afterwards withdrew his petition.

Upon the death of Henry Crabb Boulton, esq., in 1773, who was one of the representatives for this city, Sir Watkin Lewes was invited, by a committee of the independent electors, deputed by them for that purpose, to become a candidate to supply the vacancy. Thomas Bates Rous, esq., was opposed to him by the interest of the ministry, the corporation, and the Earl of Coventry, who is recorder of this city, and has a seat in the neighbourhood. Mr. Rous was returned by the sheriff, after a poll of several days; and on the 20th of January, 1774, a petition was presented to the

House of Commons, by Sir Watkin Lewes, setting forth, “That, at the late election of a member to represent the city of Worcester in Parliament, in the room of the late Henry Crabb Boulton, esq., deceased, the petitioner and Thomas Bates Rous, esq., were candidates; and that the said Thomas Bates Rous, by himself and agents, after the said vacancy happened, and previous to and during the poll, was guilty of bribing and corrupting, and attempting to bribe and corrupt, those who had a right to vote in the said election, in order to procure himself to be elected to serve in Parliament for the said city; and that many of the aldermen of the said city acted as agents for the said Thomas Bates Rous, and also did bribe, and attempt to bribe, with money and otherwise, a great many freemen of the said city, to induce them to give their votes for the said Thomas Bates Rous, at the said election; and that William Mathers, esq., sheriff and returning officer of the said city, acted partially and unfairly, before and during the poll, in rejecting good votes for the petitioner, and admitting persons not qualified to vote for the said Thomas Bates Rous, and in many other respects was guilty of partiality in the execution of his office; and that, by these and other illegal means, the said Thomas Bates Rous procured a majority of votes upon the poll, and was returned to serve in Parliament for the said city, in prejudice of the petitioner, and in open defiance of the law and the freedom of elections.”

On the 2d of February following, a committee was appointed to try the merits of this petition,

who, on the 8th of the same month, reported to the House,

“ That Thomas Bates Rous, esq., the sitting member, is not duly elected.” And also,

“ That Sir Watkin Lewes, knt., is not duly elected to serve in this present Parliament for the city of Worcester.”

A new writ was therefore ordered to be issued for a new election.

At this second election Colonel Lechmere was set up by the ministerial party, in opposition to Sir Watkin Lewes, and was returned by a small majority; but as the Parliament at that time was nearly expiring, and the dissolution almost daily expected, the citizens of Worcester deferred contesting their cause any further, till the general election.

When the dissolution took place, in September following, Mr. Rous was again a candidate, on the old interest, in conjunction with Mr. Walsh, the late member; and Sir Watkin Lewes and Edward Bearcroft, the counsel, were opposed to them by the independent interest of the city of Worcester. At the close of the poll the numbers were,

For Mr. Rous 981—Mr. Walsh 893—Sir

Watkin Lewes 736—Mr. Bearcroft 312

Upon which the two former were returned.

On the 31st of October following, Sir Watkin Lewes presented a second petition to the House, setting forth, “ That at the late election of members to represent the city of Worcester in Parliament, John Walsh, and Thomas Bates Rous, esqrs., and the petitioner, were candidates; and that, previous to and during the late election, the

said Mr. Walsh and Mr. Rous did, by themselves and their agents, bribe and corrupt, and attempt to bribe and corrupt, those who had a right to vote at the said election, in order to procure themselves to be elected to serve in Parliament for the said city; and that, previous to and at the said election, William Mathers, esq., mayor of the said city, and several aldermen and justices of the said city, with many of the common council, acted as agents for the said John Walsh and Thomas Bates Rous, and threatened, and publicly canvassed and solicited great numbers of the freemen of the said city to vote for Mr. Walsh and Mr. Rouse; and promised that they should be set down as constables, and have a certain reward for their votes; and also did bribe, and attempt to bribe, with money, and otherwise corrupt, a great many freemen of the said city, to induce them to vote for the said John Walsh and Thomas Bates Rous, or one of them, at the said election; and were guilty of divers other corrupt and illegal practices, in order to procure a majority for the said Mr. Walsh and Mr. Rous; and that, by means thereof, and other undue influence, the said mayor, aldermen, and common-council, as agents for the said Mr. Walsh and Mr. Rous, procured many freemen to vote in their interest for the said Mr. Walsh and Mr. Rous, who would otherwise have voted for the petitioner; and that the said mayor, several of the aldermen and justices of the said city, and their town-clerk, for several days before and during the election, met together, nominated, appointed, and swore in, many freemen, and, as the petitioner believes, to the number of

three hundred and upwards, to be constables, under a promise from such persons that they would vote for Mr. Walsh and Mr. Rous; for which they should have certain rewards in money; which was afterwards paid to them out of the money and funds of the corporation of the said city, or by the said Mr. Walsh and Mr. Rous; by which means the said mayor and aldermen did corruptly obtain a majority of votes for Mr. Rous and Mr. Walsh upon the poll; and that a peer of this realm, and a lord of Parliament, did, by himself and his agents, interfere in the said election, by canvassing and soliciting votes on behalf of the said John Walsh, and using threats to intimidate the freemen from giving their votes to the petitioner, in violation of the privileges of the House, the freedom of election, and a high infringement of the rights of the Commons of Great Britain; and that John Williams, gentleman, sheriff, and returning officer of the said city, acted partially and unfairly, before and during the election, in rejecting good votes for the petitioner, and admitting persons not qualified to vote for the said John Walsh and Thomas Bates Rous, and in many other respects was guilty of partiality in the execution of his office; and that, by these and other illegal means, the said John Walsh and Thomas Bates Rous procured a majority upon the poll, and were returned to serve in Parliament for the said city, in prejudice of the petitioner, who had a majority of legal votes, and ought to have been returned; and therefore praying the House to take the premises into consideration, and to grant him such

relief therein as shall, upon examination, appear to be just."

The objects of the petitioner were,

1st, To prove that bribery had been committed by the sitting members, or their agents; and thereby to make the election void as to them.

2dly, To disqualify such a number of the voters for the sitting members, and to add such a number to the poll of the petitioner, as to leave a majority in his favour, and entitle him to be declared duly elected.

3dly, To induce the committee to make a special report to the House of the various matters particularly alleged in the petition against the sitting members, the corporation, the returning officer, the peer whose influence was complained of, and the corrupted voters.

On the first head, witnesses were produced, who swore to positive acts of bribery and promises, by Mr. Walsh himself, and by his agents. There was no attempt to charge Mr. Rous directly; but it was contended, that Mr. Walsh and his agents were to be considered as agents for Mr. Rous, who, therefore, must be affected by what they had done.

On the second head there were the following objections to different classes of voters for the sitting members.

1st, To a great number, that their votes had been procured by money or promises. This was the main point of the case; being sufficient, if proved to the full extent, to have given the petitioner a majority over both the sitting members.

By a charter of James I., the city of Worcester, which was before that time, and continues to be, a county of itself, is incorporated by the name of the mayor, aldermen, and citizens of the city of Worcester. There is a common-council, composed of two bodies, one of twenty-four, the other of forty-eight, making together seventy-two common-councilmen. The number of citizens is indefinite; the mayor and six aldermen are chosen annually out of the twenty-four by the seventy-two. These six aldermen and the mayor are, by their offices, justices of the peace for the city.

The day before the election began, the common-council, the greater part of whom were in the interest of the sitting members, made the following resolutions and order.

Oct. 11, 1774. Resolved: "That it be recommended to the mayor and justices to appoint such a number of constables as they shall think proper, to preserve the peace during the election of members to represent this city in Parliament."

Ordered: "That the expenses attending such appointment be defrayed by this corporation."

Accordingly, about three hundred were sworn in; and they received one shilling and sixpence a day from the chamberlain, out of the money of the corporation, for a week; all the constables, except about ten or twelve, were freemen, and voted for the sitting members. At former elections it had been usual to appoint a certain number of special constables to keep the peace; but they were not so numerous as at this election; and they were paid, in equal proportions, by the candidates, and

not by the corporation. There were several of the persons appointed, on this present occasion, lame, or so infirm as to be incapable of doing the duty of the office ; insomuch that, a riot having happened during the course of the poll, it was thought necessary to swear in about ten or twelve able-bodied watermen. These watermen were the only constables who were not freemen.

From the circumstances just stated, it was contended, that the appointment of so many freemen to be constables was only colourable ; that being all voters, and having voted for the sitting members, the money paid to them must be considered as bribes given them by the corporation, who were agents of Walsh and Rous ; that all the votes of the constables, therefore, ought to be struck off the poll.

Besides this, there were witnesses who said, two agents of Walsh, in their presence, had offered, on the 30th of September, to a company of about twenty-five freemen, to make them constables, if they would vote for Walsh and Rous ; and said they should have a guinea from each candidate ; and that many of them accepted on that condition. One of the witnesses said, he asked whether he might not be half a constable if he polled for Walsh ; and that he was told he could not be a constable, unless he would vote for Walsh ; several persons swore to declarations of voters who were made constables ; that they had received money from or on the behalf of Walsh ; and that they were promised more.

There was a considerable number of out-voters,

resident in London, Birmingham, Kidderminster, and other places, whose expenses were defrayed by the sitting members. It was also sworn, that they were promised money for their trouble by the agents. Many declared that they had voted in expectation of a reward; some, that they had received the money after they had polled.

On Thursday the 18th of April, the committee, by their chairman, informed the House, that they had determined,

“That the two sitting members were duly elected.”

No vacancy for this city happened afterward till the general election of 1780, when Mr. Rous was again a candidate, on the interest of the corporation, in conjunction with the Hon. William Ward, now Lord Viscount Dudley, and again opposed by Sir Watkin Lewes on the independent interest. Mr. Rous and Mr. Ward were successful; and on the 20th of November following, a third petition was presented to the House from the freemen of Worcester, complaining, “That, at the last election of members to serve in Parliament for the city of Worcester, the Right Hon. Sir Watkin Lewes, knt., now lord-mayor of the city of London, the Hon. William Ward, and Thomas Bates Rous, esq., were candidates; and that several of the aldermen, justices, and others, of the said city, hawked about, and offered the representation of the said city for sale, at the last general election, for the sum of 4000*l.*, or other large sum of money; and did treat with several persons for that purpose; and that, in consequence of bribery and

corruption, and by undue and oppressive influence, committed and practised by the said William Ward, or several of the aldermen, justices, and others, of the said city, as agents for the said William Ward, a majority of votes was procured upon the poll, contrary to the general sense and wishes of the freemen, who would otherwise have elected the said Sir Watkin Lewes, if it had not been for illegal means made use of in favour of the said Mr. Ward, as aforesaid."

This petition was tried by a committee appointed the 6th of February, 1781, who, on the 15th of the said month, reported to the House,

"That the Hon. William Ward was duly elected."

The limits of our work will not suffer us to go at large into the evidence on these several petitions; nor would it prove more than what appears almost through every case which comes before the House of Commons;—that corruption prevails;—and that the influence of magistrates and corporations is generally exerted to destroy the freedom of elections;—that freemen and burgesses are admitted, or refused their admission, by corporations, with little or no regard to claims legally and justly founded, but merely to suit the purposes of whatever party the leading men in each city or borough may find it their interest to espouse; and even the poor rates in scot and lot boroughs are corrupted into engines of despotism. The taxing a number of persons who have no right, and omitting another description, who possess or occupy rateable houses, has been the means of giving a

colourable majority in many elections; but we shall subjoin as a note an address to the freemen of Worcester, published shortly after the decision of one of the committees, under the authority of the candidate, which will explain, more forcibly than we can express, his sentiments and feelings upon the occasion.*

* *From the Worcester Journal.*

To the FREEMEN of the CITY of WORCESTER.

“GENTLEMEN,

“Permit me in this public manner to return you my sincere and most unfeigned thanks for the very honourable and independent support I have received from you, and to those honest friends who afforded me their voluntary protection at the last election, against the insults of mercenaries, hired, under the colour of constables, to prostitute their suffrages.

“I beg likewise to add my thanks to those persons who gave their testimony from a desire of public justice.

“In vain did we confide in the justice of our cause; in vain did we expect that a committee of the House of Commons would stigmatise bribery, corruption, and perjury: the majority of that committee best know how they can account to their consciences and their country, for having given a verdict upon oath, importing, in effect, that there was no bribery, no unconstitutional, no undue influence, in the last election for the city of Worcester; or that promises made, and money given to electors, before and at the time of the election, was not done for the purpose corruptly to procure their votes. I will not say all that might be said upon this verdict, all that truth might dictate, as facts best speak for themselves; but this I will say, the committee, by their late determination, have dreadfully and mournfully disappointed the just expectations of the public.

“My concern arises, not so much on my own account, as on that of a great city struggling for its independence: which, by such a determination, is become the property of the East India Company. I deplore with you the fallen virtue of our country, and that bribery is now permitted to stalk triumphant through the

As a testimony of the public approbation, the city of London unanimously voted their thanks to Sir Watkin Lewes, by their corporation, for the manly defence he had made in support of the freedom of election: and the ladies of Worcester presented Lady Lewes with a complete set of Worcester-manufactured porcelain, emblazoned with the arms of Sir Watkin Lewes and those of the

land, corrupting the fountain of public security. I feel the more, as it involves in its consequences the downfall of an act of Parliament, which the people have been taught to look up to as a security for the freedom of elections.

“ I should be wanting in that duty which I owe to you and the public, were I not to take notice of the interposition of the House, in depriving me of my rightful challenges, and polluting the streams of public justice.

“ The sitting members, though notoriously known to have been supported by the same interest, were allowed to strike off twenty-four to my twelve; whereby a majority was procured. Whether they were worthy to sit in judgment on the rights of freemen, I shall leave to you and the whole kingdom to determine, by their late report.

“ There is no person who entertains a higher respect and reverence than I do for the different orders of the State; it was that respect and reverence which induced me to complain of the encroachments of the aristocratic power. I lament that the people, for whose benefit all governments are instituted, have lost their weight in the legislature of this country: I lament that an open violation of your privileges should pass unnoticed by the guardians of the rights of the people.

“ In this long, expensive, and unequal contest, every art has been practised to harass and distress me, for having dared to assert your rights. I am, however, happy in the reflexion, that I have discharged my duty to you, gentlemen, and to my country: I have the honour to be, with the greatest esteem and regard,

Your obliged and faithful humble servant,

“ WATKIN LEWES.”

city of Worcester, with a silver table engraved with apposite devices, and finished with exquisite taste and magnificence.

At the general election in 1784, the Hon. William Ward and Samuel Smith, esq., of Aldermanbury, were chosen without opposition. Upon Mr. Ward's succeeding to the peerage, Mr. Wigley was elected in his room. A contest arose at the general election in 1790, the two late members being opposed by Mr. Wigley, the barrister: when the numbers at the final close of the poll were,

For Edmund Wigley, esq. 959—Edmund Lechmere, esq. 892—Samuel Smith, esq. 692.

Samuel Smith, esq., petitioned, and a day was appointed for hearing the same, but he not giving in his recognizance agreeable to law, the order was discharged.

In 1806, William Gordon, esq., and some of the freemen petitioned against the return of Messrs. Robarts and Bromley.

The committee found Abraham Robarts, esq., duly elected; and Robert Bromley, esq., not duly elected.

Mr. Attersol, petitioned against the return of Mr. Gordon; but having neglected to enter into recognizances to prosecute the same, the complaint could not be heard.

CORPORATION.

By charter of James I., it consists of a mayor, recorder, sheriff, six aldermen, 24 common-councilmen, and 48 assistants.

RIGHT OF ELECTION.

Feb. 7, 1693. Is in the Freemen not receiving alms.

Feb. 11, 1747. Is in the Citizens of the said city not receiving alms, *and admitted to their freedom by birth, or by servitude, or by redemption*, in order to trade within the said city.

NUMBER OF VOTERS—2000.

RETURNING OFFICER—the Sheriff.

POLITICAL CHARACTER.

The Earl of Coventry is recorder of this city and patron of the corporation, but the two present members are returned independently of that interest.

It had been customary for the corporation influence to prevail in the election of its representatives till the year 1801, when Sir Joseph Scott of Barr, in the county of Stafford, was elected by the independent interest, since which period the old influence has never prevailed.

At the last general election, in 1812, Lord Viscount Deerhurst, son of the Earl of Coventry, opposed the two old members, when the numbers at the close of the poll were as follow :

Abraham Robarts, esq., 1248—William Gordon, esq. 939—Viscount Deerhurst 855

By these numbers the state of the corporation and independent interests may be ascertained.

EVESHAM.

EVESHAM, a borough, and market-town, comprises three parishes, including Bengeworth, in the hundred of Blakenhurst, Worcester, six miles from Pershore, and 96 from London ; containing 606 houses, and 2,837 inhabitants, being 1,332 males, and 1,505 females, of whom 472 were returned as being employed in trade. Their privileges are very extensive ; the mayor and four of the aldermen are justices of the peace, hold a session of Oyer and Terminer and goal delivery, with power to punish all crimes, except high treason, within their liberty. The market is on Mondays, and the fairs are on the 2d February, the first Monday after Easter, Whit-Monday, and Sept. 21.

REPRESENTATIVE HISTORY.

This borough returned members to Parliament the 23d Edward I., but discontinued after that King's reign till the 1st James I., who restored and incorporated it. The memoirs relating to its elections are these.

PETITIONS, &c. Nov. 9, 1640. The business concerning the election of Sergeant Crosby, Mr. Coventry, and Mr. Sandys is referred to the Committee of Privileges.

July 12, 1660. Sir Edward Turner reported from the Committee of Privileges and Elections the case upon the return of members to serve in this present Parliament for this borough : That,

upon the examination of the fact, they found it admitted that John Egiock, esq., one of those returned had the greater number of voices; and that the question was betwixt Sir Thomas Rouse, who is returned with Mr. Egiock, and Mr. Andrews the petitioner: and that it appeared upon the poll taken that Sir Thomas Rouse had a greater number of voices than Mr. Andrews, and therefore is duly elected, and ought to sit: whereto the House agreed.

Nov. 5, 1669. A petition of Sir James Rushout, complaining of an undue return made of Sir John Hanmer.

Nov. 22. Sir Job Charleton reported from the said committee the state of the case; and the questions arising thereupon were, 1st. Whether the mayor, aldermen, and capital burgesses only, or the burgesses at large, had the right of election. 2d. Whether the election was good or void. 3d. Who had the majority of voices. And the committee were of opinion, that the common burgesses had voices in elections, and that the election by the mayor, aldermen, and chief burgesses was not good; that the election was not void; that Sir James Rushout had the majority of voices, and was duly elected.

The question was put to agree with the committee, that the right of election is in the common burgesses, and that the select election by the mayor, aldermen, and chief burgesses was not good. It was agreed, and the matter being debated, whether the denial of the poll did void the election, the question was put to agree with the

committee, that the election is not void, and on a division it was disagreed to.

Resolved, " That the mayor of this borough be sent for in custody of the sergeant at arms attending this House, for his misdemeanor, in making the return for this borough, and denying the poll.

Dec. 9, 1695. A petition of Sir Rushout Cullen, bart., complaining of an undue return of Henry Parker, esq., by illegal practices, &c.—No report.

At the election in 1790, there were three candidates ; viz. Sir John Rushout, in his own interest ; Thomas Thompson, esq., in that of the opposition ; and Mr. Sullivan, in that of the administration ; when the numbers on the close of the poll were,

For Sir John Rushout, bart. 418—Thomas Thompson, esq. 407—Mr. Sullivan 374.

Dec. 1, 1802. Humphrey Howorth, esq., petitioned against the election of Charles Thellusson and Patrick Craufurd Bruce, esqrs. The committee was ballotted May 19, 1803. The petitioner had given notice to the sitting members, that he did not mean to offer any evidence in support of his petition. When the committee met, the only question for their consideration was, whether the petition was frivolous and vexatious, the sitting members having renounced their claim to its being voted frivolous and vexatious ; the committee determined, May 20, the sitting members to be duly elected, and that the petition was not frivolous or vexatious.

Peckwell,
v. i. p. 471.

In 1807, Humphrey Howorth, esq., petitioned against the election of Sir M. M. Lopez. The num-

bers stood, W. Manning, esq. 494—Sir M. M. Lopez 334—H. Howorth, esq. 320. The petitioner was declared duly elected.

CORPORATION

Consists of a mayor, recorder, seven aldermen, and twelve capital burgesses.

RIGHT OF ELECTION.

Sept. 22, 1669. Is in the Common Burgesses.

NUMBER OF VOTERS—about 600.

RETURNING OFFICER—the Mayor.

PATRON—Lord Northwick, one member.

POLITICAL CHARACTER.

This borough appears by the returns to have been under the influence of the Rushout family, now barons of Northwick, ever since the year 1722, and they have nominated one member at every election from that period to the present, except in the year 1796, when Sir John Rushout lost his election and was created a peer to console him for the disappointment. The other member is generally returned by a combination of attornies.

BEWDLEY.

BEWDLEY, a borough and market-town in the parish of Ribbesford, hundred of Doddingtree, Worcester, is situated on the river Severn, three miles from Kidderminster, and 132 from London; containing 787 houses, and 3,671 inhabitants, of

whom 939 were returned as being employed in various trades and manufacture. It enjoys a good trade in malt, leather, salt, and iron ware. It formerly had two market days, now only one, on Saturday, well supplied with cattle, corn, hops, &c. It has three annual fairs.

REPRESENTATIVE HISTORY.

This borough was imprivileged by King James I. to return one burgess to Parliament, who also incorporated it, (it recites that it had sent, but for some time before discontinued) and appoints the bailiff and burgesses whether inhabitants or not, to be the electors.

There has been since some alteration in the constitution ; in the reigns of King Charles II., King James II., and Queen Ann, which occasioned some disputes in the House of Commons, as will appear by the following memoirs.

PETITIONS, &c. April 16, 1640. The first we meet with is an order in the journals, whereby we find a petition had been presented, or by some other means the matter of the election came before the House, and it was ordered to be proceeded on in order as figured ; and this was marked 1.

In the year 1662, Sir Ralph Clare petitioned against the election of Sir Henry Herbert.

April 28, 1662. Sergeant Charleton reported, that the question arose on the words of the charter of 3d Jac. reciting the former charters of the said town which was incorporated by the name of the bailiff and burgesses of Bewdley ;

which burgesses first to be chosen were confined to the number of twelve, and they empowered to choose other burgesses ; and the said burgesses of the borough to elect and send a burgess to serve in Parliament. And the question being, whether the old burgesses, before the charter 3d Jac. or only the burgesses appointed by that charter, had voices to elect for Parliament, not being sworn burgesses of the said corporation ; the committee were of opinion, that the new burgesses appointed by the said charter only, exclusive of all others, as aforesaid, had right to elect ; and Sir Henry Herbert had the majority of voices of the said sworn burgesses, and was elected ; with which the House agreed.

Jan. 15, 1673. A petition of Henry Herbert, esq., complaining of an undue return made by the bailiff of this borough.—No report.

In 1676, Mr. Herbert petitioned against the return of Mr. Foley. On the 10th of March, Sir Thomas Meres reported, “ That the chief matter on which the committee did ground their opinion was the bribery of Mr. Foley, to procure the voices of electors ;” upon which they resolved, (and the House agreed in the resolution,) Mr. Foley was not duly elected, and that Mr. Herbert, the petitioner, was duly elected.

9 Journ. p. 397.

Peckwell, v. 2. p. 184.

In 1678, A petition of Henry Herbert, esq., complaining of an undue return of Philip Foley, esq.

May 27, Sir John Trevor reported the state of the case ; and the main question was, whether all the inhabitants paying scot and lot in the said bo-

rough, or only the capital and particular burgesses of the said borough who had right to vote in election of members to serve in Parliament for this borough ; and that the committee had examined the charter of the said borough 3d Jac. whereby the said borough was incorporated, and divers returns of members of Parliament for this borough ; and thereupon resolved,

“ That all the inhabitants of this borough have not a right to vote in elections of members to serve in Parliament for this borough.

“ That Mr. Philip Foley is duly elected.

In 1705, a petition of Henry Herbert, esq., complaining of an undue return of Salway Winnington, esq., by partiality of the bailiff of the said borough, at the instigation of Henry Toy the town-clerk.

Nov. 24. Mr. Compton reported the matter, viz. That the right of election was agreed to be in the bailiff and burgesses, and the single question was, who had the majority of voices on the poll, and that depended in a great measure upon two facts : first, whether Mr. Soley the recorder was a candidate at the said election ; and in the next place, whether two of the electors did vote for Mr. Soley ; and upon these points several persons were examined on both sides, and it appeared the poll was,

For Mr. Winnington 12—Mr. Herbert 11—Mr. Soley 2.

The committee resolved, “ That Salway Winnington, esq., is duly elected.”

In 1708, soon after the new charter was granted,

Henry Herbert, esq., a Whig, was elected under it; and Salway Winnington, esq., a Tory, was chosen under the old charter. Mr. Winnington petitioned the House, and it was resolved, November 24, "That Thomas Slade, nominated a bailiff by charter granted by her majesty, (*i. e.* the new charter,) was rightful bailiff of the said borough at the time of the said election. Mr. Herbert (then Lord Herbert, of Cherbury) was consequently declared to be duly elected."—February 8, 1709.

Glenbervie,
vol. i. p.
31, 32.

16 Journ.
p. 11.

In 1710, a new contest happened, but then the Tories were the reigning party. Anthony Lechmere, esq., was chosen by the new corporation, and Salway Winnington, esq., by the old. The matter was brought before the House by petition, Dec. 1, when it was resolved, "That S. Winnington, esq., was duly elected, and that the charter dated April 20, 1708, was void." An address was also presented to her majesty for the purpose of repealing the charter. The cause was tried at the bar, in the court of Queen's Bench, and a verdict granted against the charter, but against the opinion of the court. A new trial was afterwards moved for and obtained.

Glenbervie,
vol. ii. p.
20, 21.

16 Journ.
p. 408.

In 1714, there was a third contest, and the Whig candidate was chosen and returned by the new corporation, and Mr. Winnington again petitioned; but before his petition could be heard, he judged proper to withdraw it, in consequence of a revolution in the ministry. The parties afterwards seem to have made up their differences, and acquiesced in the new charter.

18 Journ.
p. 32.

Luders,
v. ii. p. 230.

In 1768, Sir Edward Winnington, bart., petitioned against the return of the Hon. Thos. Lyttelton. The committee who tried the cause determined, Jan. 24, 1769, that the petitioner was duly elected and ought to have been returned.

CORPORATION.

Consists of a bailiff, and twelve capital burgesses, with a recorder, town-clerk, &c.

RIGHT OF ELECTION.

In the Bailiff and twelve capital Burgesses, appointed by the charter 3 Jac. I. exclusive of all others, April 28, 1662.

May 27, 1679. All the inhabitants of the borough of Bewdley have not a right to vote.

Dec. 19, 1710. The charter of 1708 is void.

Jan. 24, 1691. The five persons elected burgesses had no right to vote.

NUMBER OF VOTERS—13.

RETURNING OFFICER—the Bailiff.

PATRON—Mr. Roberts an attorney of this town.

POLITICAL CHARACTER.

This town contains near eight hundred houses, and the right of election is limited by charter to a select body composed of only thirteen individuals.

This corporation has been alternately under the influence of the families of Lord Lyttelton, and Sir Thomas Winnington of Stanford Court, till the year 1806, when Mr. Roberts, an attorney of this place, obtained the patronage and has ever since retained the nomination of the member.

DROITWICH.

DROITWICH is a market-town and borough in the hundred of Halfshire, Worcester, $5\frac{1}{2}$ miles from Worcester, and $118\frac{1}{2}$ from London. It comprises three parishes, exclusive of the liberty of Doddeshill, and contains 419 houses, and 1,845 inhabitants, of whom 212 were returned as being employed in various trades and manufactories. The principal trade here is in the manufactory of fine white salt, deemed to be the best in Europe. The brine springs are so strong here, that the pits are continually running over, being much stronger than those in Cheshire; they contain about one-fourth salt, while those at Nantwich yield only one-sixth. Here is a canal about seven miles long, navigable for vessels of sixty tons burthen, which runs into the river Severn at Hawford, within three miles of Worcester. By this conveyance to the Severn, the salt is sent to all parts of the kingdom. The same conveyance also supplies the neighbourhood with coal, of which there is a great consumption. The market is held on Fridays, and the fairs are on the 13th April, 18th June, 22d September, and 21st December.

REPRESENTATIVE HISTORY.

This borough having sent to Edward 1st Parliaments, and 2d and 4th of Edward II., ceased sending till King Philip and Mary restored it

anno 1554, from which time it has constantly returned. The memoirs of its elections are as follow :

PETITIONS, &c. April 4, 1628. A complaint by Mr. Wild, concerning an unfit letter about the election for the borough.

April 1, 1690. A petition of Sir John Pakington, complaining of an undue return of Philip Foley, esq.

Nov. 11. Mr. Grey reported from the Committee of Privileges and Elections the state of the case upon the said petition.

That the question was, whether the right of election was in the burgesses of the corporation of salt springs of this borough, or in the proprietors of the salt springs at large. Of the latter, Sir John Pakington had 26—Mr. Foley 22. Of the former Sir John Pakington had 8—Mr. Foley 22.

Upon the whole resolved, “ That the right of electing burgesses to serve in Parliament for this borough is in the burgesses of the corporation of salt springs of the said borough.

“ That Philip Foley, esq., is duly elected.”

March 8, 1700. A petition of Robert Steyner, complaining of an undue return of Philip Foley, esq., by undue practices of the bailiffs.—No report.

25 Journ.
p. 424, 463.

In 1747, Thomas Foley, jun., Francis Winnington, and Samuel Masham, esqrs., had an equality of voices, and were all three returned. The petitioner Edwin Sandys and F. Winnington, esqrs., were voted duly elected.

CORPORATION.

This place which was originally incorporated by King John, and afterwards by charter of *inspeximus* of James I., consists of two bailiffs, a recorder, and eleven burgesses.

RIGHT OF ELECTION.

Nov. 11, 1690. Is in the Burgesses of the corporation of the salt-springs of Droitwich.

NUMBER OF VOTERS—40.

RETURNING OFFICERS—the Bailiffs.

PATRON—Lord Foley.

POLITICAL CHARACTER.

The right of election in this borough being in a corporation, that select body is again under the influence of a patron like every other borough of a similar description in the united kingdom.

Lord Foley possesses the nomination of the members, and it appears by the returns to have been retained in his lordship's family ever since the restoration of Charles the Second.

YORKSHIRE.

YORKSHIRE is bounded on the north by Durham and Westmoreland, on the east by the German Ocean, on the west by Westmoreland and Lancashire; and on the south by Chester, Derby, Nots, and Lincoln. This county is double the size of any other in the kingdom; being 100 miles in length from east to west and 80 in breadth from north to south, containing an area of more than 6,000 square statute miles or 3,698,387 statute acres, with a population of 858,892 persons. From its great extent it has been distributed into three divisions called ridings, (trythings) a name derived from a Saxon word signifying a third part. The north riding, comprehends the whole northern part from side to side descending to the capital in the center, being a district 83 miles in length. It is divided into 12 wapentakes, viz. Gilling east and west, Allertonshire, Langbraugh, Pickering Lythe, Whitby Strand, Hang, east and west, Hallikeld, Birdforth, Bulmer and Rydall, containing five boroughs, Richmond, Scarborough, North Allerton, Malton, and Thirsk, 31,512 houses inhabited by 155,506 persons, viz. 74,914 males, and 80,642 females, of whom 26,207 were returned as being employed in trade and manufacture, and 44,061 in agriculture; the amount of money raised for the

maintenance of the poor in 1803, 76,061*l.* being at the rate of 2*s.* 6½*d.* in the pound.

The east riding comprehends the south east part of the county; it contains 819,200 square statute acres, having about 350,000 pasturage and 150,000 arable. It is divided into six wapentakes, viz. Buckrose, Dickering, Hartwell, Holderness, Howdenshire, and Ouse and Derwent, besides that part called the Ainstey of the city of York, containing 25,781 houses, and 139,433 inhabitants, viz. 67,457 males, and 71,976 females; of whom 22,000 were returned as being employed in trade and 31,538 in agriculture. It contains three boroughs, viz. Beverley, Hedon, and Hull. Amount of money raised for the maintenance of the poor in 1803, 68,325*l.* being at the rate of 2*s.* 7½*d.* in the pound.

The west riding, by far the most extensive, is 95 miles in length and 48 in breadth. It contains about 1,568,000 square statute acres, having 760,000 acres of pasturage, and 350,000 arable. It is divided into nine wapentakes, viz. Abridge, Barkston Ash, Claro, Morley, Osgoldcros, Skyrack, Staincliff, Strafforth, and Tickhill; it has five boroughs, Ripon, Pontefract, Boroughbridge, Aldborough, and Knaresborough, and contains 111,146 houses, inhabited by 563,953 persons; viz. 276,005 males and 287,948 females; of whom 164,188 were returned as being employed in trade and manufacture; and 55,695 in agriculture. Amount of money raised for the maintenance of the poor in 1803, was 277,050*l.* being at the rate of 6*s.* 2½*d.* in the pound.

The principal manufacturing towns in Yorkshire, are Leeds, Halifax, Bradford, Wakefield, Keighley, Huddersfield, Pontefract, Sheffield, Rotherham, and Barnsley. The whole county contains 13 boroughs, and sends 30 members to Parliament, pays 24 parts out of 513, for the land tax. It contains 563 parishes, is included in the northern circuit, and lies in the diocese and province of York.

REPRESENTATIVE HISTORY.

This county has been represented in Parliament from the time of the first returns.

The election is made by all the three ridings; and the indentures in the reigns of Henry IV. and Henry V. were very remarkable.

We meet with no other memoirs necessary to be inserted here until after the Reformation; since which time the Journals of the House of Commons afford these.

PETITIONS, &c. April 9, 1614. A petition for this county respited till Sir John Savile's coming up.

March 16, 1620. Sir George Moore reporteth from the Committee for Privileges; first for the constables of this county: that one Alleyne and Middlethwaite examined, Alleyne denied the warrant to be in his hand; but made by his fellow constable, by his consent; that Sir Thomas Wentworth wished them to intreat the freeholders to give their voices, &c. That the warrants were "will and require," and when from the King, they did then in his Majesty's name "will and com-

mand.” That the taking the names, was to let Sir Thomas know who would be for him ; and set down the names of those which would not consent. That Stanhope, another high constable confessed a letter from Sir Thomas Wentworth of thanks for their pains, with promises to be mindful of it. That these things were mentioned in churches : that three testified at the elections about 1,000 persons cried “ A Savile ! ” and these pressing to the town hall, were refused, the door being kept with halberts ; and one of their heads (offering to break in) broken.

On the other part testified by Sir Richard Cholmley, that it appeared to him, as he passed with the sheriff, he taking a view of those of both parts, the number far above the other.

Sir Thomas Wentworth cleared for the preparation ; and by all the committee, the election cleared. The high constables to be left to the censure of the House.

Upon the question, the election of Mr. Secretary and Sir Thomas Wentworth good.

After much debate as to the constables, ordered, “ that they (Bartyn, Allott, and Richard Michelthwayte) do make an acknowledgment of their offence at the next quarter sessions for the west riding.

And they called to the bar, and kneeling charged by Mr. Speaker with their offences ; for meddling with what belonged not to them : with undue preparation : with warrants to petty constables of command : menaces, by requiring the names to be delivered of the refusers.

They acknowledged their offence: and are further charged by Mr. Speaker to make their acknowledgment.

June 21, 1625. Sir Edward Giles tendered a petition from 1,050 freeholders of Yorkshire, about the election of Sir John Savile, stating that he had the greater number of freeholders, but that the sheriff pronounced Sir Thomas Wentworth and Sir Thomas Fairfax, knts., duly elected.

Upon question, resolved, "That the case concerning the knights for this county being admitted, the election of the said knights is not duly made; and a new warrant for a new election."

Resolved: "That the sheriff be no further questioned concerning the election and return of the knights for this county."

April 17, 1728. Mr. Hackewell reporteth from the Committee of Privileges for this county, Sir Henry Bellasis and Sir Thomas Wentworth returned. The question whether these men that refused to declare their names were not disabled to be electors: appeared that they answered to three questions: 1st. that they had forty shillings freehold: 2d. that they were residents within the county the day of the date of the writ: 3d. that they were not polled before." The opinion of the committee, that not necessary to insert the names of the freeholders in the indenture. Held it inconvenient to have them set down their names, because notice might be taken of them to their prejudice.

Resolved upon question, "That if an elector, or freeholder being by the sheriff put upon the poll

demanded his name, shall refuse it he is not disabled to be an elector."

Resolved upon the second question, "That Mr. Henry Bellasis and Sir Thomas Wentworth are duly elected."

In 1734, Sir Rowland Wynn, bart., and some freeholders in behalf of Edward Wortley, esq., petitioned against the return of Cholmondely Turner, esq. Feb. 24, 1735, it was objected against the production of the poll book, by the deputy clerk of the peace, that the same had not been delivered over upon oath, and not within the time limited by law: and no proof having been given, that no alterations had been made therein, after the said election, and before the said delivery, the deputy clerk of the peace being further examined, it was resolved, "That books, called the original poll books of the last election, &c. produced by R. A., deputy clerk of the peace for the East Riding of the said county, and which were delivered over to him, by the high sheriff of the said county, in open court, at the quarter sessions of the peace for the said riding, about two months after the said election, as the original poll taken at the said election, and which have been kept by him, the said deputy clerk of the peace, ever since; among the records of the session of the peace for the said riding, the said books not being delivered over by the said sheriff within the time, nor upon oath, as required by the act of the tenth year of the reign of the Queen, for the more effectually preventing fraudulent conveyances, in order to multiply votes for electing knights of shires to serve in Parliament,

24 Journ.,
p. 587.

Peckwell,
vol. ii. p.
270.

22 Jour.
p. 696.

Luders,
v. ii p.
586—7.

Peckwell,
v. ii. p.
100, note.

be admitted as evidence." This petition was renewed the second session. Resolved, March 9, 1736, "That those persons whose freeholds lie within that part of the city called Aynsty, have a right to vote for knights of the shire." April 22, 1736, it was contended by the counsel for the petitioners, that several persons were disqualified, by the evidence given of their being schoolmasters, parish-clerks, curates and hospital men. It does not distinctly appear upon what ground their qualification was contended for. After several days hearing the petition was dropped.

POITICAL CHARACTER.

This county is the first in the kingdom, in territory, population, and opulence; the number of freeholders being upwards of twenty thousand; and its share in the representation, agreeable to the ratio of its taxes, would be forty-six out of six hundred and fifty-eight, which at present constitute the representative body of the nation: yet the boroughs of Midhurst and Old Sarum, neither of which have a house remaining on them, and those of Gatton and Castle Rising, where there are no more constituents than members, singly possess an equal share in the democratic branch of the legislature, with this extensive and populous county.

The late Sir George Savile, to whose honoured memory the freeholders of Yorkshire have erected a monument in York Cathedral, represented this county in five successive Parliaments. The honest zeal and patriotic energy which distinguished

his parliamentary life has engraven his name with the Hampdens and Sydneys, the Russells and the Marvels of his country, and posterity will for ever regard him as a pattern of excellence in a British Senator.

This county has also had the honour to give a seat in Parliament to William Wilberforce, esq., whose eminent abilities, so laudably exercised in the cause of suffering humanity have rendered his name sacred, and will transmit it in the page of history to future times. The abolition of the slave trade was an object in which his benevolent mind was continually employed. He never forgot that negroes were men, although of a colour different from himself, and therefore intitled to the natural freedom and privileges of the human race. He persevered for two and twenty years in procuring the abolition of that execrable traffic. His labours are now rewarded by the blessings of those who have been rescued from misery, and we most fervently hope they will never end but with the universal emancipation of that oppressed race of men.

In 1807 the most expensive contest took place for the representation of this county that ever distinguished the annals of electioneering. The candidates were Lord Viscount Milton, son of Earl Fitzwilliam, supported by the Whig party; the Hon. Henry Lascelles, son of Lord Harewood, proposed by the Tories, and William Wilberforce, esq., on the dissenting and independent interest. The election was carried on with doubtful success between the two party candidates for

fifteen days, but Mr. Wilberforce was at the head of the poll for the whole time. On the fifteenth day, being the length of time allowed by law, the election terminated in favour of Mr. Wilberforce and Lord Milton; the numbers at the final close of the poll being,

For William Wilberforce, esq. . . 11,808

Lord Viscount Milton 11,177

Hon. Hen. Lascelles 10,990

This contest is said to have cost the three parties near half a million of money. The expenses of Mr. Wilberforce were defrayed by public subscription; and such public zeal was manifested in his favour, that more than double the sum necessary for the purpose of supporting his election was raised in a few days, and one moiety was afterwards returned to the subscribers. A similar instance of popular fervour has never occurred, but in the election of Sir Francis Burdett for Westminster, and the late John Wilkes, esq., for Middlesex.

YORK CITY.

YORK CITY is reckoned a county of itself, containing 28 parishes, 2,407 houses, and 16,145 inhabitants, viz. 7,018 males and 9,127 females, of whom 5,478 were returned as being employed in various trades. York received its charter of incorporation from Richard II., and is the only city in England whose chief magistrate is honoured with the title of Lord, except London. Its jurisdiction extends over a considerable district, be-

sides the sole conservancy of the rivers Ouse, Wharfe, Derwent, Ayre, Don, and some parts of the Humber. It sends two members to Parliament, who are chosen by the freemen in general, and who enjoy the privilege of sitting in their scarlet gowns, next the members for London, on the privy counsellors' bench, the first day of the meeting of every new Parliament. The market days are on Tuesdays, Thursdays, and Saturdays; and fairs every Thursday in the year, Whit-Monday, 10th July, 12th August, and 22d November.

REPRESENTATIVE HISTORY.

This city has returned members to Parliament from the 49th Henry III. to this time, and Parliaments have frequently been held here.

Accounts relating to its elections; the following are in the Journals.

April 4, 1628. Mr. Hackewill reported from the Committee of Privileges the case for this city.—No question but Sir A. Ingram well elected. The question between Sir Thomas Savile and Alderman Hoyle. The determination thereof forborn by the committee till further hearing. But divers misdemeanors in several persons, viz. in the two sheriffs and two aldermen, Hemsworth and Cooper, concerning the election.

Upon question, Sir Thomas Savile was not duly elected.

Upon question, Alderman Hoyle is duly elected.

Upon question, Alderman Cooper to be discharged, upon paying his fees, without further censure.

Upon question, Sheriff Atkinson to be discharged upon paying his fees, without further censure.

Upon question, Thompson and Hemsworth to be committed to the sergeant during the pleasure of the House, and not to be discharged till they have made submission and acknowledgment at the bar of their offences upon their knees, paid their fees, and the charges of the witnesses which came up about the election.

Jan. 7, 1673. A petition of Sir John Hewly, knt., against the return of Sir Henry Thompson, knt.

This petition continued with the committee until March 15, 1676. Sir Thomas Meres reported that the committee had resolved :

“ That Sir Henry Thompson is duly elected ;” whereto the House agreed.

May 23, 1685. A petition of James Moyser, esq., against the return of Sir Metcalf Robinson.

June 1. A petition of Tobey Jenkins, esq., touching the election.—No report.

May 17, 1690. Mr. Grey reported from the Committee of Privileges and Elections the case touching the double return—That the question was, Whether Edward Thompson or Henry Thompson, esqrs., were duly elected : that upon the poll they had each 841.

Resolved : “ That Henry Thompson, esq., is duly returned.”

Dec. 16, 1698. A petition of Edward Thompson, esq., complaining of an undue return of To-

bias Jenkins, esq., by bribery, partiality of the mayor, and other indirect practices.—No report.

March 5, 1713. A petition of Tobias Jenkins, esq., complaining of an undue return of Thomas Fairfax, esq., by the partial proceedings of the mayor and officers, and other illegal means.

A petition of several citizens and freemen.—No report.

CORPORATION.

This was made a mayor town by Richard I.; but Richard II. changed the title into a lord-mayor, and appointed two sheriffs; besides which, there are a recorder, 12 aldermen, 24 assistants, and 72 common-councilmen.

RIGHT OF ELECTION

In the Corporation, together with the Freemen of the city; which freedom is acquired by patrimony, servitude, purchase, or gift of the corporation.

NUMBER OF VOTERS—In the contested election in 1758, which was a very expensive and smartly-disputed one, and probably, therefore, very thoroughly canvassed, the number of voters was 2,233. In the election of 1774 there appeared to be, for Mr. Turner 828, for Lord John Cavendish 807, and for Mr. Hawke 647. Most of the last being single votes, it may be fairly concluded that upwards of 1,450 voters appeared at that election. But as Mr. Hawke gave up the poll long before it would have been concluded, great numbers of persons who were entitled to vote were not called

upon ; besides which, it was not thought necessary to bring in all the voters who lived at a distance : from which it may be presumed that the number of voters are not less now than in 1758 ; but, by those most competent to the knowledge of the fact, they are supposed to be at least a thousand more.

RETURNING OFFICERS—the Sheriffs.

POLITICAL CHARACTER.

This city is independent in the exercise of its constitutional rights. Were there the same number of electors in every other city, and in the respective boroughs, we should not have the baneful effects of influence and corruption to complain of. An equalization of the country into districts, would supply at least five thousand housekeepers to elect the representatives for each place ; and why a mode so simple and practicable cannot be instantly adopted, we must confess we have not sagacity to divine.

The late patriotic and benevolent Sir Charles Turner, of Kirkleatham, in Yorkshire, represented this city to the time of his death. He was cotemporary with Sir George Savile, who so honourably represented this county ; and his political conduct manifested the same independence of character, and zeal for public liberty. He opposed with him the fatal American war from its commencement to its disgraceful termination, and was like him the strenuous advocate for parliamentary and national reform.

HULL, *or* KINGSTON UPON HULL.

HULL, *or* KINGSTON UPON HULL, is a borough and sea-port in the east riding of York, containing 4,287 houses and 27,616 inhabitants, viz. 12,127 males and 15,489 females, of whom 5,104 were returned as employed in trade and manufacture, and only 21 in agriculture. Its markets on Tuesday and Saturday are well supplied, and its fairs are 10th July and 10th December, for five days each, and on the 10th of October.

REPRESENTATIVE HISTORY.

This town having returned anno 33 Edward I., ceased sending till 12th Edward II. It is a county of itself, and the writs directed to the sheriff; and in the 38th of Henry VI., we find the election was by 25 burgesses of the borough, named in the indenture; after which time we meet with these memoirs of the elections and representatives in that respect.

PETITIONS, &c. 1580. Mr. James Dalton, one of the representatives for this borough, being incurably sick, a new writ, in the vacation of Parliament was ordered for the election of a burgess in his stead; also the like was done for the same reason in the case of James Clerkson, who was sick, but not incurably.

March 18. Upon consideration of the returns and defaults,

Ordered and Resolved, "That Thomas Fleming, gent., being returned into this session, and appearing in the room of James Dalton, one of the burgesses for this borough, being incurably sick and diseased, shall continue and remain according to the return."

That John Fawcher, likewise returned for the said town, in the lieu and stead of James Clarkson sick, shall be removed from his place, and the said James Clarkson shall remain and continue in his place, notwithstanding the said cause of sickness.

Nov. 28, 1695. A petition of Sir James Bradshaw, knt., complaining that the sheriff of the town having received the writ, to gratify the mayor of the town and some aldermen, privately appointed the election to be next morning after the receipt of the writ; and though he was acquainted such notice was not sufficient yet he proceeded to election next morning; where he did not poll so many by 200 as at other times; although the mayor and aldermen then made many freemen on purpose to vote against the petitioner, and threatened others that intended to vote for him, &c.

Whereupon witnesses were examined and the committee resolved, "That Sir Wm. St. Quintin and Charles Osborn, esq., are duly elected."

Feb. 14, 1700. A petition of Charles Osborn, esq., complaining of an undue return of Sir Wm. St. Quintin and Mr. Wm. Maisters, by bribery and entertainments and other indirect means.—
No report.

Nov. 29, 1774. Thos. Shirley, esq., petitioned, but afterwards requested leave to withdraw it, to which the House agreed.

1802. The petition not renewed.

CORPORATION.

A mayor, twelve aldermen, a recorder, chamberlain, water-bailiff, sheriff, and other officers, under the denomination of the town and county of the town of Kingston upon Hull. The mayor had two swords given him, one by Richard III. and the other by Henry VIII. but only one is now carried before him. He had also given him a cap of maintenance and an oar of *lignum vitæ*, being an ensign of his jurisdiction, as admiral within the liberties of the Humber.

RIGHT OF ELECTION

In the Burgesses, which is derived either from being born the son of a burgess, from having served seven years' apprenticeship to a burgess, from purchase, or from donation for public services.

NUMBER OF VOTERS—From the copy of the poll taken in September, 1780, eleven hundred and eighty burgesses voted, of which forty-two were custom-house, and three were excise-officers, who are now disfranchised.

As the last Parliament had been suddenly dissolved, and writs for the new Parliament immediately issued, and as the election came on in the autumn, when many seamen in the merchants' service were not returned from their voyages, and in time of war too, when many were abroad in the

service of government, it may be computed that there are fourteen hundred burgesses of this town.

RETURNING OFFICER—the Sheriff.

POLITICAL CHARACTER.

About nine hundred of the electors of Hull are resident, fifty of whom were disqualified by Mr. Crewe's bill. The town contains nearly five thousand houses. For upwards of sixty years the candidates have paid the poorer order of voters two guineas for each vote. The number who took money was commonly two-thirds of the voters. So established is this species of corruption, that the voters regard it as a sort of birth-right. Very few of them are independent of the higher ranks of people in the town. The candidates have each their friends amongst the higher ranks, who canvas the town, and apply with great emphasis to their respective dependents; so that several tradesmen are at a loss how to conduct themselves with safety: they are between Scylla and Charybdis; and some have been known to put the number of their employers on the side of the two candidates, and hand about the list as their justification. Other tradesmen, having more than one voter in their families, split their votes, for the sake of peace, and the preservation of their friends in trade.

Besides the above two guineas being paid for each vote, the out-voters have been paid one guinea for expenses, if resident twenty miles or under from Hull, and two guineas for above twenty miles, and under fifty; above fifty, as could be

agreed. This is to be understood, if the voter gave a single vote for one candidate: if one vote for each candidate, then half a guinea; and one guinea from each. So soon as the candidates declare their intentions of offering themselves, and the canvas is begun, the needy voters offer themselves as assistants, or runners, as they are called; and if one candidate refuses to accept their generous services (for which they are paid five shillings per day), they threaten to go to his antagonist; so that three hundred and upwards of these Swiss troops have been known to be engaged *to do nothing*, at five shillings per day each, several days before the poll was taken. Messengers sent to canvas the non-resident or out voters, promise of places, coach-hire, horse-hire, chaise-hire, treats, &c., add to the enormity of the crimes above stated. Another matter worthy of notice is, that Hull, being a town and county of itself, the freeholders and inhabitants in it, and in its district (which comprehends a quadrant of about five or six miles radius, have no opportunity of voting at any election for the county of York, or for the corporation itself, unless privileged as burgesses.

The fifty revenue-officers are burgesses of Hull; and the government candidates have usually had about one hundred and twenty votes, by the connexions of the customs and excise, and from expectants.

Many of the voters are not householders, and many of the mariners have no fixed residence in Hull, or elsewhere. It appears that every election exceeds the preceding one in corruption.

At the last general election in 1812, the freemen of Hull wanted a contest, but no candidate appearing to gratify their wishes, a great number of the lower order stopped a gentleman who was passing through the town on his way to Beverley, who was a perfect stranger to them in name and character and offered to support him if he would become their champion upon this occasion. The offer was accepted, and the following day he was chosen their member by acclamation.

If the right of election was in the householders of this opulent commercial town, the number of voters would exceed four thousand, at present they do not amount to more than a third of that number, five hundred of whom are non-residents, and a great part of the remainder have neither houses nor property in the town.

What a contrast do the modern electors of Hull present to their virtuous ancestors, the constituents of the great Andrew Marvel, who represented this town in the time of the Commonwealth, and in the profligate reign of Charles the Second. It comes immediately within the plan of this work to notice so eminent a character who represented his constituents with unexampled assiduity, patriotism, and integrity, before wealth was made to take place of virtue and talent, and when qualifications to sit in Parliament were unknown.*

* This accomplished and illustrious citizen will for ever stand high in the estimation of his country, and will continue to be respected, whilst public virtue can interest the feelings, or private gratitude actuate the heart of an Englishman.

Andrew Marvel was born at Winestead, in Holderness, of

KNARESBOROUGH.

KNARESBOROUGH is a borough, market-town, and parish, in Claro wapentake, west riding of

which parish his father was rector, on the 15th of November, 1620. His father, the Reverend Andrew Marvel, born in Cambridgeshire, completed his studies at Emanuel College, in that university, where he obtained the degree of Master of Arts in 1603. He was afterwards elected master of the public grammar school, in Kingston-upon-Hull, and became lecturer of Trinity church in 1624.

His son was sent to Cambridge at the age of fifteen, and admitted a student of Trinity College in 1635. He left that university about the year 1642, when he was twenty-two years of age, and commenced his travels through Holland, France, and Italy. In the last of those countries he obtained the acquaintance and friendship of the illustrious Milton, during their residence at Rome; and had afterwards the honour of having him for a coadjutor in the office of Latin secretary to the Protector.

In 1658 he was elected one of the representatives in Parliament for this town, and again returned in the two successive Parliaments. From that moment, he considered it as a bounden duty to transmit an account of all the proceedings in the House of Commons to his constituents; but the collection hitherto published does not commence earlier than November 17, 1660.

From this period, Mr. Marvel comes forward in his patriot and parliamentary character, and with more dignity, honour, sense, genius, fortitude, virtue, and religion, than ever mixed up in one man, ancient or modern. There is not an action of his life that deserves the blot of censure; the part he took was most honourable to himself, and useful to his country; and though virtue was ever put to the blush by flattery, yet he maintained his sincerity unsubdued, when truth and chastity were crimes in the lewd circle of Charles's syren Court; where, in poverty he held up the greatness of his soul, in spite of the cold disadvantages of a

York, 215 miles from London by Nottingham, 202 by Newark, and 13 distant from York ; con-

narrow fortune, and the artful lures and temptations that assailed him.

In the first Parliament which met before the Restoration, (April 25, 1660,) Mr. Marvel was a constant attendant. In the course of his correspondence, he exhibits a determined enmity to the keeping up of a standing army, which he wishes to be speedily exchanged for a militia.

"I doubt not, ere we rise," says he, in a letter to his constituents, "to see the whole army disbanded; and, according to the act, hope to see your town once more ungarrisoned; in which I should be glad, and happy to be instrumental to the uttermost; for I cannot but remember, though then a child, those blessed days, when the youths of your town were trained for your militia; and I, methought, become their arms much better than any soldiers that I have seen there since."

Soon after this, he evinced his jealousy of "that many-headed monster, the *Excise*;" and we find him, nearly at the same time, thanking his constituents for a present of a cask of ale, "the quantity of which," he observed, "was so great, that it might make sober men forgetful."

In 1662, Mr. Marvel appears to have repaired to Holland, on which occasion, Lord Bellasis, who was high steward of Hull, and deputy governor, under the Duke of Monmouth, employed Sir Robert Hildyard to notify this circumstance to his constituents, with a view of inducing them to proceed to a new election. On this, a letter was dispatched to their member, ordering him peremptorily to return, which requisition he accordingly complied with a short time after.

A few months posterior to this, with the consent of his constituents, he accompanied his friend, Lord Carlisle, who had been appointed Ambassador Extraordinary to Muscovy, Sweden, and Denmark, in the capacity of secretary, and remained abroad near two years. On his return, we find him attending the Parliament at Oxford, and waiting on the Duke of Monmouth, with a congratulatory letter, and a present of gold, from the corporation. On this occasion, the latter, after paying many compli-

taining 747 houses and 3,388 inhabitants, viz. 1,512 males, and 1,876 females, of whom 3,128

ments to Mr. M., endeavoured to prevail on him to accept of the "six broad pieces," which he, however refused, with his usual disinterestedness.

After the prorogation of Parliament, in November, 1675, he demands instructions on the part of his constituents. "I desire," says he, "that you will consider, whether there be any thing that particularly relates to the state of your town; and I shall strive to promote it to the best of my duty; and in the more general concerns of the nation, shall maintain the same incorrupt mind, and clear conscience, far from faction, or any self-ends, which, by the grace of God, I have hitherto preserved." He was so attentive to his political communications, that each letter contained a minute narrative of parliamentary business. Such was his diligence too, that he says, "he sits down to write at six in the evening, though he had not eat since the day before at noon; and that it had become habitual to him to write to them every post during the sitting of Parliament."

Though the power of the court had not influence over his virtue, yet the good sense of Prince Rupert was conspicuous, in making him his friend; for when Mr. Marvel's name became the hatred of that party, which he ever attacked with unremitting keen satire, and it became dangerous for him to appear abroad, Prince Rupert would forget his rank, and be led, by his good understanding, privately to the apartments of Mr. Marvel: so, whenever his Royal Highness voted on the side of Mr. Marvel, which he often did, it was the observation of the adverse party, "that he had been with his tutor."

The severe tracts which he was continually publishing against the state, and popery, and the inflammatory literary fight which he had with Parker and others, often made his life in danger; but no bribes, no offers of fortune or situation, though so very contrary to his private interest, could make him swerve from the virtuous path he had at first set out upon, and in which he continued to walk invariably to the last. A man of such excellent parts, and facetious converse, could not be unknown to Charles II., who loved the company of wits so much, that he would suffer

were returned as being employed in various handicraft trades and manufactures. The market on

the severest jokes rather than not enjoy them. Mr. Marvel had been honoured with an evening's entertainment by his majesty, who was so charmed with the ease of his manners, the soundness of his judgment, and the nimbleness of his wit, that the following morning, to shew him his regard, he sent the Lord Treasurer Danby to wait upon him, with a particular message from himself.

His lordship with some difficulty found his elevated retreat, which was in a second floor, in a court in the Strand, the very *gradus ad Parnassum*. Lord Danby, from the darkness of the stair-case, and the narrowness thereof, abruptly burst open the door, and suddenly entered the room, wherein he found Mr. Marvel writing. Astonished at the sight of so noble and so unexpected a visitor, he asked his lordship with a smile, If he had not mistook his way—"No," replied my lord, with a bow, "not since I have found Mr. Marvel;" continuing, that he came with a message from the king, who wished to do him some signal service, to testify his high opinion of his merits. He replied, with his usual pleasantry, that kings had it not in their power to serve him; he had no void left aching in his breast: but becoming more serious, he assured his lordship, that he was highly sensible of this mark of his majesty's affection; but he knew too well the nature of courts to accept of favours, which were expected to bind a man in the chains of their interest, which his spirit of freedom and independence would not suffer him to embrace. To take a place at the hands of his majesty would be proving him guilty of the first sin, ingratitude, if he voted against him; and if he went in the smooth stream of his interest, it might be doing injustice to his country and his conscience: he therefore begged that his majesty would allow him to enjoy a state of liberty, and to esteem him more his faithful and dutiful subject, and more in the true interest of his welfare, by the refusal of his munificence, than if he had embraced his royal bounty. These royal offers proving vain, Lord Danby began to assure him, that the king had ordered him a thousand guineas, which he hoped he would be pleased to receive, till he could bring his mind to accept something better, and more durable.

Wednesday is well supplied. Fairs first Wednesday after January 13, first Wednesday after

At this, Mr. Marvel renewed his usual smile, and said, "Surely, my good lord, you do not mean to treat me ludicrously by these munificent offers, which seem to interpret a poverty on my part. Pray, my lord treasurer, do these apartments wear in the least the air of need? And as for my living, that is plentiful and good, which you shall have from the mouth of the servant:—

"Pray, what had I to dinner yesterday?"

"A shoulder of mutton, Sir."

"And what do you allow me to-day?"

"The remainder hashed."

"And to-morrow, my Lord Danby, I shall have the sweet blade-bone broiled; and when your lordship makes honourable mention of my cook and my diet, I am sure his majesty will be too tender in future to attempt to bribe a man with golden apples who lives so well on the viands of his native country!"

The lord treasurer, unable to withstand this, withdrew with smiles, and Mr. Marvel sent to his bookseller for the loan of one guinea. No Roman virtue ever surpassed this temperance; nor can gold bribe any man that is not bribed with luxury; and, with Dr. Samuel Johnson,* allow me to repeat these good words, which the temptation of a pension would not suffer him to adopt: "No man, whose appetites are his masters, can perform the duties of his nature with strictness and regularity; he that would be superior to internal influences, must first become superior to his own passions."

That such a man should have enemies is not to be wondered at by those who know the world; and that they should be bitter, cruel, and inveterate, will not surprise any one, who is acquainted with the history of that profligate and flagitious reign during which he flourished. Mr. Marvel was fond of residing at Highgate, and this circumstance appears to have put his life in jeopardy more than once; for he was frequently threatened with murder, and even way-laid. Sir John Coventry's nose had been slit, for his daring to express his mind with freedom; and a still worse fate

* The Idler.

March 12, May 6th, first Wednesday after 12th August, first Tuesday after October 10, and first

appears to have been reserved for the subject of this memoir, who, fired at the indignity committed against a member of Parliament, had formerly lampooned the court on that very occasion in some severe satirical verses.

Mr. Marvel, however, was not a man of that stamp to be terrified by threats, or even by violence. He was accustomed to remark, that he was more afraid of killing than of being killed; and that he was not so much in love with life as to be unprepared for death. In a letter to a friend, in which he mentions the insuperable hatred of his foes, and their designs of murdering him, he makes use of the following strong expressions, which are here quoted in the original, being a language in which he excelled, and in which he delighted to correspond—

“Præterea magis occidere metuo quam occidi: non quod vitam tanti estimem, sed ne imparatus moriar.”

As he was distinguished for his scorn of corruption on one hand, so, on the other, he could never be provoked to revenge by any personal resentment. His integrity, even amidst distress, has been sufficiently evinced, by an anecdote that would do honour to any age or country; while it is evident, from the whole tenor of his correspondence, that his dispute with his colleague, Colonel Anthony Gilby, never once betrayed him into any passionate invective or peevish expression. He was, at the same time, a sworn foe to flattery, and very cautious, as well as very circumspect, in regard to his friendships. His enmities were all generous, for they were of a public nature. He most cordially hated and detested those who basely crouched at the feet of power, or were the zealots of arbitrary government. Yet even here, the native magnanimity of his disposition was evident; for although he severely lashed the vices, both public and private, of the lascivious sovereign who then bore sway, yet he could generously praise any of his actions which were commendable.

His friendship for, and intimacy with, Milton, would alone have served to endear him to a nation, which still looks up, with mingled sentiments of love and admiration, to that great ornament of English literature. Nor was he unmindful of his posthu-

Wednesday after 10th December ; and on the Wednesday, 22d November is a statute fair for hiring servants.

mous reputation : he assisted in rescuing the poem of " Paradise Lost," the copy-right of which had been purchased for fifteen pounds, from unmerited obscurity ; for it was he and Dr. Barrow, by their two complimentary poems, in English and Latin, who first unveiled its beauties to the undiscerning eyes of a heedless public, immersed, after the example of the court, in every species of folly and debauchery.

Captain Thomson, the last editor of his works, who supposes him to have been treacherously murdered, by means of a potion, expresses himself in the following manner :

" And yet, alas ! the period of his days was suddenly made on the 16th of August, and by poison ; for he was healthful and vigorous to the moment he was seized with the premeditated ruin. Thus fell this great, good, and glorious man, in the fifty-eighth year of his age, after passing through a rugged life of perpetual danger, a cruel sacrifice to the diabolical machinations of the most profligate and wicked men. But what could virtue look for and expect in a reign, when the king was himself a studious professor of profligacy ! And what must be the chance of the writer, who would attack arbitrary government in the reign of a tyrant, and attempt to defend the Protestant church, when the head of it died a Papist !"

In point of language, many of his compositions are penned in a majestic style ; although at times he could assume the *burlesque*, and was considered by his contemporaries as one of the wittiest and most humorous writers of that day. In Latin too, as well as English, he wrote with great facility and eloquence ; and it was he who drew up the state-papers during the protectorate of Cromwell, under the inspection of Milton. It was he also who penned the *Parliamenti Angliæ Declaratio*.

Marvel was more eminent for his virtues and his talents than for his wealth. He, however, left behind him a small patrimonial estate, on which, and the honourable allowance from his constituents, paid after the manner of ancient times, he subsisted with credit ; for having but few wants, he was neither extrava-

REPRESENTATIVE HISTORY.

This borough first returned members to Parliament, anno 1 of Queen Mary ; from which time it has returned representatives ; the memoirs whereof, which we have met with, are these.

PETITIONS, &c. 1641. Mr. Benson, member for this town, having been complained of for granting protections for money ; it was referred to a committee.

Nov. 2. Mr. Reignolds reported the case of Mr. Benson, concerning several protections granted by him to divers men, that were not his menial servants in London, Middlesex, Surrey, &c. and Mr. Benson being heard, it was resolved,

gant nor expensive. As he was the last representative in this country, who received pay from those he represented, so he appears to have been the only one who was ever buried at their expense ; the corporation of Hull having ordered fifty pounds to be issued for that purpose, September 30, 1678.

His body was interred in the church of St. Giles's in the Fields ; and in 1688 a monument was erected there to his memory by the town of Kingston-upon-Hull, with an epitaph at once expressive of " their grief and gratitude." This having been torn down by the zealous royalists, another inscription was placed at the expense of one of his relatives, of which the following are the concluding lines :

SACRED TO THE MEMORY OF ANDREW MARVEL.

As a strenuous assertor of the Constitution, Laws,
and Liberties of England,

And out of family affection, and admiration of the uncorrupted
probity of his life and manners,

ROBERT NETTLETON, of London, merchant, his
Grand Nephew,

Hath caused this small memorial of him to be erected,
in the year 1764.

“ That Mr. Henry Benson is unworthy, and unfit to be a member of the House, and shall sit no longer as a member of the House.

“ That Mr. Henry Benson shall be forthwith sent for as a delinquent, by the sergeant at arms attending on this House.

Resolved, “ That the Speaker shall issue his warrant for a new writ, to be directed to the sheriff of Yorkshire, for electing another burgess to serve in his stead.

Resolved, “ That the House holds Mr. Henry Benson unfit and incapable ever to sit in Parliament, or to be a member of this House hereafter.”

Dec. 7. Sir Wm. Constable, knt., petitioned against the return of William Deerlove.

Resolved, “ That the return of Wm. Deerlove by his own deputy, made two or three days before the election only for this service, was an undue and void return; and should be taken off the file.”

But no notice was taken in regard to Sir Wm. Constable, though we find he afterwards sat for this borough.

Jan. 26, 1688. A petition of Thos. Fawkes, esq., complaining of an undue return of Edward, Lord Viscount Latimer.

Jan. 28. A petition of Edward Lord Latimer, against the return of Thomas Fawkes, esq.

March 21. Colonel Birch reported, that the boroughmen of this ancient borough, on the 12th of January, with an unanimous consent, have freely chosen William Stockdale, esq., and the

Lord Viscount Latimer by the majority of the ancient and new votes together ; or Thomas Fawkes, esq., by the ancient votes, who had been sworn in court and relieved for their borough houses, according to the custom of the said borough, to be the other of the two representatives.

That the ancient votes for Mr. Fawkes, agreed on all sides to be good, were 25 ; that of such for Lord Latimer were 19 ; and the new votes transferred lately, but otherwise good, were 18.

That the return and petition of Lord Latimer and Mr. Fawkes, concerning this election coming in course to be heard on the 18th of February last, was put off till the 4th of March instant, before which time Lord Latimer died ; and it appearing to the committee upon the return, that Mr. Fawkes had 23 old votes, and Lord Latimer but 19, and no petition had been presented on behalf of the borough, they did not think fit to grant any longer time, and therefore

Resolved, “ That Thos. Fawkes, esq., is duly elected a burgess to serve in this present convention for this borough : whereto the House agreed.

Resolved, “ The bailiff of the said borough do attend this House to amend the return.”

March 24, 1689. A petition of Thos. Fawkes, esq., shewing that at the election for burgesses for this borough, William Stockdale, esq., and the petitioner, were unanimously elected ; and accordingly the bailiff made his return ; but the bailiff thought the petitioner was duly chosen, and by the return expressed to be elected, “ in-

“stant major partem burgensium.” Yet afterwards, contrary to his duty, he made another return of William Stockdale and Henry Slingsby, wherein these words are omitted.—No report.

April 2, 1690. A petition of Sir Henry Slingsby, bart., against Thos. Fawkes, esq.

May 17. Mr. Grey reported, That the question was, whether Mr. Fawkes, or Mr. Slingsby, were duly returned and elected; that Mr. Fawkes had 22, and Mr. Slingsby 20 voices.

That the right of election was agreed to be in the burgage-holders.

That upon examination it appeared to the committee that Mr. Fawkes had most qualified voices: whereupon they resolved,

“That Thomas Fawkes, esq., is duly returned, which was agreed to by the House; and the return ordered to be amended.

March 29, 1715. A petition of Henry Slingsby and Cyril Arthington, esqrs., John Clark and others, on behalf of themselves and other burgesses of the said borough, shewing the petitioners together with Henry Coot and Robert Hitch, esqrs., were candidates; and complaining of an undue return of the said Henry Coot and Robert Hitch, esqrs., by partiality of John Fisher, pretending to be bailiff, and other illegal proceedings.—Feb. 4. Petition withdrawn.

1784. Sir John Coghill, bart., and Bacon Franks, esq. petitioned.—No report.

Jan. 24, 1805. Certain electors of the borough

Peckwell,
vol. ii. p.
382-9.

petitioned, and a committee to try its merits was appointed Feb. 17. The petition stated, that a writ having issued July 9, 1804, for the election of a burgess for Knaresborough, in the room of Wm. Cavendish, esq., due proclamation was made by James Collins and John Carr, the bailiffs, of an election to be holden July 30 ; and that the petitioners, and several other voters, were proceeding, on the morning of the election, to the tolbooth, to give their votes ; but the election could not be proceeded in, by reason of a very great riot and tumult, raised by a large number of persons not electors, who assaulted several of the electors, magistrates, and constables, and blocked up the passages to the tolbooth : that the bailiffs had made the following return, which had been transmitted to the Crown-office. “ We, the bailiffs of the borough of Knaresborough, &c., did, on July 25, make a proclamation, &c. ; that, in pursuance of the said proclamation, we attempted to proceed to such election, with the assistance of Sir J. I., bart., a magistrate for the west riding of the said county, and of twenty special constables, but were unable to get to the court-room by the violence of the mob, consisting of several hundred people, who had previously obtained possession of the stairs leading thereto, aided and instigated by the following persons, viz. (*eight persons named,*) and several others, whose names are at present unknown, who not only insulted and pelted the magistrate and one of the returning officers, but also took the staffs from the constables, knocked them

down, as well as several of the electors, and destroyed their clothes, and also dragged one of the special constables, servant to the said Sir J. I., a considerable distance to the river side, threatening to drown him; that after our return to the courthouse, the said Sir J. I. being afterwards accompanied by J. W., esq., and the Rev. C. K., two other magistrates for the west riding, finding that it would not only endanger the lives of themselves, the returning officers, and voters, if they attempted to proceed in the election, or read the Riot Act, but would be absolutely useless, as there were no soldiers nearer than the barracks at York, being twenty miles from this place, except the volunteers of Knaresborough, several of whom were seen to encourage rather than suppress the mob; from the above circumstances, we hereby certify, that we are unable to execute the precept as directed, as witness our hands, &c." The petitioners prayed the House to take the premises into early consideration, that the petitioners might be represented in the present Parliament, and that the offenders might be punished.

This was the first petition presented since the making of the act which passed in the 18th year of his present majesty, concerning a return, which was not a return according to the requisition of the writ, but containing special matters only concerning such elections.

The allegations in the petition were clearly proved, and on the first of March the committee resolved, that the petition was not frivolous or vexatious, and that the defence of the returning of-

ficers was not frivolous ; and that a new writ ought to be issued for the election of a burgess. A new writ was ordered.

Several persons were named by the committee, who appeared to them to have been principally concerned in committing the outrages which prevented the returning officers from proceeding to the election. On the 14th of March, the House agreed with the committee in their resolutions, and ordered that the Attorney-general should forthwith prosecute the seven persons named in the report for their offences.

The information was tried at the Summer assizes for Yorkshire, 1805, when three persons, of the names of Allen, Abbot, and Dewes, were found guilty. On Feb. 5, 1806, Allen (having been in the King's Bench prison since November 9, 1805) was sentenced by the court to be imprisoned in Newgate six calendar months, and to give security for his good behaviour for four years ; himself in 100*l.* and two sureties in 50*l.* each. Abbot and Dewes were sentenced to be imprisoned in the custody of the Marshal of the King's Bench three calendar months, and to give security for four years in 100*l.* each, and their two sureties respectively in 50*l.* each.

CORPORATION.

None.

RIGHT OF ELECTION.

May 17, 1691.—In the Burgage holders.

NUMBER OF VOTERS—84 nominally, but actually only *one*.

RETURNING OFFICERS—two Bailiffs.

PROPRIETOR—Duke of Devonshire.

POLITICAL CHARACTER.

This borough has returned members to Parliament ever since the first year of Queen Mary's reign. The right of election was then vested in eighty-four or eighty-eight burgage-houses, the owners of which were entitled to vote. The elections continued free till about the year 1719, when two gentlemen, striving against each other in canvassing, first began the practice of purchasing the burgage-houses: by these means a majority of the votes was always in the possession of some particular family. The Duke of Devonshire is now, and the family has for a long time been, in possession of all the burgage-houses, except four. When an election comes on, a number of men are sent from a distant part of the country, and a certain burgage-house conveyed to each of them for the day: they are then told who they are to vote for, and some man is chaired as proxy for the absent member. There are no resident electors: the men who are sent to vote are the Duke's tenants: they come, if there is occasion, from his estates in the east riding; but generally they are those about Bolton-bridge, near Skipton, twenty miles from Knaresborough, on the other side of the wild mountainous forest. The number of houses in Knaresborough is about seven hundred and fifty.

If the burgage-tenures were taken away, it is supposed there would be found five hundred men, who all pay assessments; and these are chiefly manufacturers, farmers, and shopkeepers. No diminution of votes has taken place in consequence of the act respecting revenue-officers. The principal land-owners are Sir Thomas Slingsby, Mr. Roundhill, the heirs of the late Mr. Rhodes, of Rippon, and Sir John Coghill, besides a great many tradesmen, who have small estates in the borough. The circumstance of the members never appearing at the elections, but having some old pauper chaired by way of proxy, which is said to be the constant practice, is really insulting. It cannot be said however, that there is bribery and corruption, as the elections are managed almost without any visible expense whatever.

SCARBOROUGH.

SCARBOROUGH is a sea-port and borough town in Pickeringlythe, north riding of York, 22 miles from New Malton, and 214 from London, by Lincoln; containing 1,615 houses, and 6,688 inhabitants, viz. 2,730 males, and 3,958 females, of whom 1,173 were returned as being principally employed in trade. The market days are on Thursday and Saturday; and its fairs are on Holy Thursday, and 22d November.

REPRESENTATIVE HISTORY.

This borough sent members 23d Edward I., being besides York and Kingston, the only place

in this very large county that constantly returned before the time of Edward VI., since which it has constantly returned. Its ancient method of election was by the bailiffs and commonalty ; as appears by the indenture. The more modern memoirs, relating to its elections, in the journals are these.

PETITIONS, &c. June 11, 1660. A petition of Luke Robinson, esq., and the petitioner heard in his place.

Ordered, “ That the said Luke Robinson be discharged from being a member of this House.”

June 21. Mr. Turner reported that Mr. Thompson had a greater number of votes than Mr. Legard, who is returned together with Mr. Luke Robinson by indentures as members to serve in this present Parliament, and that the committee are of opinion that the said Mr. Thompson is duly elected ; whereunto the House agreed.

Ordered a warrant for a new writ to elect a member in the room of Luke Robinson, esq., discharged from being a member of this House.

Resolved, “ That in regard of the misdemeanor of the bailiffs of this borough in returning Mr. Legard to serve as a member for this borough, though he had a lesser number of votes, and neglecting to return Mr. Thomson though he had a greater number of voices at the said election, both the said bailiffs be forthwith sent for in custody of the sergeant at arms attending the House.

May 26, 1685. A petition of several freemen and inhabitants of this borough, touching the election, and the parties being called in to own the

same, the petition was read, ordered to be referred to the committee to examine and report the matter with their opinion.

March 26, 1695. Upon considering the report from the committee relating to the orphans' bill.

Resolved, "That Mr. Hungerford a member of this House, having received 20 guineas for his pains and service, as chairman of the committee of this House to whom the orphans' bill was committed, is guilty of an high crime and misdemeanor."

Resolved, "That Mr. Hungerford a member of this House being guilty of a high crime and misdemeanor by receiving 20 guineas for his pains and service, as chairman of the committee of this House, to whom the orphans' bill was committed be expelled this House.

— 28. Ordered a warrant for a new writ for electing a member in his room.

Nov. 9, 1705. A petition of William Malling and others, on behalf of themselves and other freemen and inhabitants of this borough, complaining of an undue return of William Thompson, esq., returned by means of partiality of the bailiffs and other indirect practices.

A petition of John Hungerford, esq., against the return of Mr. Thompson.—No report.

April 21, 1736. Thomas, Viscount Dupplin, was declared not duly elected: his seat was filled by William Osbaldeston, esq.

1768. On the death of F. W. Osbaldeston, esq., the Speaker issued his warrant for a new writ, and *this was the first notice* given by the

Speaker in the London Gazette, in pursuance of the act of parliament for that purpose, stating, that this gentleman's death had been certified to him in writing, under the hands of two members of Parliament, and that he would issue his warrant to make out a new writ for electing a member in his room. This vacancy produced a double return, viz. Sir J. Penyman, bart., and Ralph Bell, esq. The latter having informed the House that he did not mean to contest the double return, and his opponent, who had petitioned, having asked leave to withdraw it, the House gave leave, discharged the order for taking it into consideration, and directed the clerk of the crown to attend with the writ, and erase Mr. Bell's name out of the return.

Luders,
v. iii. p.
150, note.

CORPORATION.

Consists of two bailiffs, two coroners, four chamberlains, and thirty-six burgesses.

RIGHT OF ELECTION.

April 21, 1736. Is in the Common-house or Common-council of the said borough, consisting of two bailiffs, two coroners, four chamberlains, and thirty-six burgesses only.

NUMBER OF VOTERS—44.

RETURNING OFFICERS—the Bailiffs.

PATRONS—the Duke of Rutland and Earl of Mulgrave.

POLITICAL CHARACTER.

This is one of those large towns in England where the right of election is confined to a corpo-

ration composed of forty-four individuals, and that right is farther circumscribed by the operation of Mr. Crewe's bill, as several of this select body are placemen, and thereby disqualified from voting.

Upon the passing of this bill no less than ten of the common council out of forty-four were incapacitated to vote for representatives, but as they still retained a voice in the election of new common councilmen, they could be rendered just as instrumental to the cause of influence and corruption by bringing such into their body as may be dependent upon them. All these temporising acts therefore fail of producing any effect: the evil can only be removed by restoring the whole body of the people to their ancient rights, and we should then see what purse would be able to bribe a majority of the nation.

This corporation is under the influence of the Duke of Rutland, and the Earl of Mulgrave, who each nominates a member, and this borough has been generally represented by a younger branch of each of these families for nearly fifty years; previous to which this select body was guided in their political conduct by the late George Osbaldeston, esq., of Hutton Bushell in this county; but if he acted upon the same maxim that his son has since done at East Retford, it is no wonder that the corporation changed their patron.

The number of houses in this town being upwards of sixteen hundred, the elective body would be nearly the same, if the right of election was in those who pay the taxes, instead of those who subsist upon them.

RIPPON.

RIPPON is a borough, market-town, and parish, in the west riding of York, situated between the river Ure and a small stream called the Skell, six miles from Boroughbridge, and 222 from London; containing 509 houses, and 3,211 inhabitants, viz. 1,470 males, and 1,741 females, of whom 618 were returned as being employed in various trades. The market is on Thursday, and its fairs are the 20th day after Christmas, Old May Day, first Thursday in June, All Souls Day, and 22d November. The town has the advantage of a navigable canal.

REPRESENTATIVE HISTORY.

This borough having returned only 23d Edward the First and 1st Edward the Second, intermitted sending till the last Parliament of Edward the Sixth, or 1st of Queen Mary, when it was restored. The subsequent memoirs since the Reformation in the Journals, relating to elections, are only these:

PETITIONS, &c. May 3, 1660. Mr. Turner reported the opinion of the committee on the double return, whereby John Lambert, esq., was returned, was so returned by the mayor to satisfy the said Colonel Lambert only; he confessed that Henry Arthington and Edmond Jennings, esq., who were returned by the other indenture, had the greater number of voices: and that the committee was of opinion that the said Mr. Arthington and

Mr. Jennings were duly elected: to which the House agreed.

March 8, 1720. The House being upon the enquiry in relation to the conduct of the late South Sea directors, those parts of the report of the Committee of Secrecy relating to John Aislable, esq., (member for this borough,) were read, and also several examinations, &c.

Resolved: "That John Aislable, esq., has encouraged and promoted the dangerous and destructive execution of the late South Sea scheme, with a view to his own exorbitant profit, and has combined with the late directors of the South Sea Company in their pernicious practices, to the detriment of great numbers of his majesty's subjects, and the ruin of the public credit, and the trade of this kingdom."

Ordered: "That the said John Aislable, esq., be for his said offence expelled this House."

Ordered: "That the said John Aislable be committed prisoner to the Tower of London."

March 20. Ordered a warrant for a new writ for electing a burgess for this borough in the room of John Aislable, esq., expelled this House.

CORPORATION.

1604. By charter granted of this date, it is governed by a mayor, recorder, 12 aldermen, and 24 assistants.

RIGHT OF ELECTION

In the Burgage-holders.

NUMBER OF VOTERS—about 146, most of which are the property of Miss Lawrence.

RETURNING OFFICER—the Mayor.

PROPRIETOR—Miss Lawrence.

POLITICAL CHARACTER.

The burgage-holds, which give the right of nominating two members for this borough, have been the property of the Aislabie family, of Studley Castle for one hundred and twenty years. The late Mrs. Allanson, who was the heiress of that family, always named them: upon her decease, the late William Lawrence, esq., of Kerby Fletch-ham, became the proprietor, from whom they descended to Miss Lawrence, the daughter of that gentleman.

RICHMOND.

RICHMOND, a borough, market-town, and parish, in the north riding of York, is situated on the east side of a steep hill, by the side of the river Swale, which encompasses near half the town. It contains 539 houses and 2,831 inhabitants, viz. 1,213 males and 1,648 females, of whom 457 were returned as being employed in various trades. It has a good trade in yarn and stockings, and seamen's woollen caps. The market on Saturdays is well supplied with provisions and cattle, and its fairs are the Saturday before Palm Sunday, first Saturday in July, and September 14.

REPRESENTATIVE HISTORY.

This borough was made very early, as appears by a charter of John, eldest son of the Duke of Britain and lord thereof, without date; wherein he grants to the burgesses of Richmond the burgh, with the rents of assize, &c., which charter was

confirmed by King Edward III. : Queen Elizabeth afterwards incorporated it in the 19th year of her reign ; and in the 27th year called upon it to send burgesses to Parliament. Concerning its elections we meet with the following memoirs.

PETITIONS, &c. Jan. 9, 1661. Upon reading the petition of John Wandesford, esq., a certificate also being produced touching Dr. Craddock's being in holy orders,

Ordered, That the matter upon the said petition and certificate be referred to the Committee of Privileges, to take the same into consideration, and to examine whether Sir Joseph Craddock be in holy orders, and so disabled to sit as a member of this House, and make report of it to this House.

Jan. 17. Sergeant Charleton reported, That it appeared to them that Doctor Craddock was in holy orders, and that Mr. Wandesford had the majority of voices present at the election ; and the opinion of the committee that Doctor Craddock was incapable of being elected a burgess for the said borough ; and that Mr. Wandesford was duly elected, and ought to sit as a burgess for this borough ; whereto the House agreed.

Nov. 7, 1705. A petition of James D'Arcy, esq., setting forth, that the petitioner being one of the candidates at the election of burgesses to serve in this present Parliament for this borough, had the majority of legal votes ; but several legal votes who offered to poll for the petitioner being refused, and others illegal admitted against him, and by splitting of votes, and houses, and lands, to multiply votes ; and by Lord Wharton's meddling

with the election, the other candidates, by bribery, and other corrupt practices, viz. Wharton Dunch and Thomas York, esqrs., had the majority upon the poll, and were accordingly returned in prejudice of the petitioner.

— 21. Withdrawn.

March 4, 1713. A petition of Marmaduke Wyvill, esq., complaining of an undue return of Thomas York and Henry Mordaunt, esqrs., by partiality of Mr. Nicholls, the mayor and returning officer, and by notorious bribery by themselves and their agents, &c.—No report.

CORPORATION

Consists of a mayor, recorder, 12 aldermen, and 24 common-councilmen.

RIGHT OF ELECTION.

March 9, 1727. Is in such persons as are Owners of Ancient Burgages in the said borough, having a right of pasture in a common field called Whitecliffe Pasture.

NUMBER OF VOTERS—about 270, of which Lord Dundas possesses a complete majority.

RETURNING OFFICER—the Mayor.

PROPRIETOR—Lord Dundas.

POLITICAL CHARACTER.

The number of houses in this borough is about 550: but the right of voting being in the burgage-holders, Lord Dundas possesses the majority, and nominates the members. Mr. York, whose ancestors represented this place from the time of the Restoration till the year 1762, retains about 30 of these parchment votes, but they are no longer of any interest.

HEDON, or HEYDON.

HEDON, or HEYDON, is a borough, market-town, and parish, in Holderness, east riding of York, containing 136 houses, and 592 inhabitants. Its market is on Saturday, and its fairs 13th March, 14th September, 17th November, and 6th December, besides every fortnight from Shrove Monday to Midsummer.

REPRESENTATIVE HISTORY.

This borough having first sent members to Parliament in the 23d Edward I., ceased sending till 1 Edward VI., from which time it has returned. We do not find any memoirs of its elections until very lately, of which are these—

PETITIONS, &c. A petition of William Wickham, esq., stating, that William Pultney and Hugh Cholmley, esqrs., and the petitioner, were candidates, and complaining of an undue return of Mr. Pultney, by bribery and indirect practices, &c.—No report.

In 1745, there having been a vacancy on the death of George Berkley, esq., Luke Robinson, esq., petitioned against the return of Samuel Gumley, esq.; he withdrew his petition, but was afterwards voted duly elected, and Mr. Gumley not duly elected.—Feb. 3, 1746.

In December, 1783, Christopher Atkinson, esq., a merchant in London, was expelled the

House for perjury : he was returned in 1796, and took the name of Saville in 1798.

CORPORATION

Consists of a mayor, recorder, two bailiffs, and nine aldermen.

RIGHT OF ELECTION

Is in the burgesses of the said borough, whose privileges are gained either by descent, by serving seven years to a freeman residing only in the borough, or by an honorary gift, at the discretion of the chief officers for the time being, which latter power is seldom exercised, on account of the jealousy and opposition of the common burgesses.

NUMBER OF VOTERS—was in 1775 about 175; deducting from which 30 revenue officers, who were disfranchised, the number hardly exceeded 140, at present they are upward of 200.

RETURNING OFFICER—the Mayor.

PATRON—Mr. Iveson, an attorney of this borough.

POLITICAL CHARACTER.

In this borough almost every burgess thinks it incumbent on him to lay the candidates under as severe a contribution as possible. Ribband-bills will amount to 100*l.* each. The candidates' agents will lend the burgesses money, which is never returned. The families of several burgesses have almost lived by their exactions, and yet their idleness has ruined them. Voters have been known to ask 100*l.*, and 80*l.* has been bid for a single vote. The nominal price of a vote is 20*l.*, that is,

20*l.* is expected by each voter, in case there is no opposition. Where such enormities prevail, inferior vices will necessarily flourish.

Actions were brought against P. E. Mestaer, esq., for bribery committed at the Heydon election in 1802, when the principal evidence against him was his colleague, Christopher Savile, esq., formerly *Atkinson*, who had been a joint candidate with him upon that occasion.

At the above election the numbers polled were as follow :—George Johnstone, esq., 115—Christopher Savile, esq., 108—P. E. Mestaer, esq., 83—
— Jackson, esq., 77.

Mr. Johnstone and Mr. Jackson stood on the interest of Mr. Iveson the attorney, and Mr. Savile and Mr. Mestaer were in conjunction opposed to that interest.

PONTEFRACT, OR POMFRET.

PONTEFRACT, or POMFRET, is a borough and market-town in Osgoldcross wapentake, west riding of York, containing 700 houses, and 3,144 inhabitants, viz. 1,417 males, and 1,727 females, of whom 446 were returned as being employed in various trades and manufactures, and 204 in agriculture. The market is on Saturday, plentifully supplied with all kinds of provisions, cloth, and hardware. Fairs, on the Saturday before Palm Sunday, and the Saturday after St. Andrew's Day, both for cattle ; there are also small fairs for cattle

every fortnight, on the Saturday after those at York.

REPRESENTATIVE HISTORY.

This borough returned burgesses to Parliament in the 23d and 26th of Edward I., after which it intermitted, by reason of its poverty, until the year 1621, when it was restored by King James I., who so imprivileged and incorporated it, *anno regni* 19, of which and the subsequent memoirs we find in the Journals as follow.

PETITIONS, &c. Sir George Moor reported from the Committee of Privileges, that it sent burgesses; that by reason of the Barons' wars it grew poor; that 10th and 11th Henry VI. a return made, they would not send burgesses, by reason of their poverty; that 4 Jac. the king granted them all their former liberties and customs, notwithstanding they had been forfeited or lost; that the committee thinketh it to stand, both with law and justice, that a writ should go for a choice of burgesses.

Upon question, Pomfret to send burgesses; and a writ ordered.

April 1, 1624. Sir Thomas Wentworth petitioned, complaining of an undue return of Sir John Jackson, by partiality of the mayor, and other illegal proceedings. The sheriff annexed two indentures to the writ, one of a return of Sir John Jackson by the mayor, aldermen, and burgesses; another of a return of Sir Richard Beaumont by other aldermen and burgesses. The election was determined to be void.

Peckwell,
v. ii. p. 332.

May 28, 1624. Resolved: "That the right of election ought to be by the inhabitants, householders, resiant there."

8 Journ.
p. 33.

Glenbervie,
v. i. p. 387.

In 1660, there was a treble return, and the committee, on the 16th of May, reported, that Sir George Savile, bart., and William Lowther, esq., had the greatest number of voices, and ought to sit, and the House resolved that they were duly elected.

Journ.
541-356.

Nov. 29, 1695. A petition was presented to the House against the return of Sir John Bland, which was referred to a committee, but withdrawn on the 13th of February.

12 Journ.
p. 356.

13 Journ.
p. 126.

Dec. 16, 1698. Robert Moncton, esq., petitioned against the return of John Bright, esq., Jan. 17, 1699; the right of election was agreed to be in such persons as have an inheritance, or freehold of burgage tenure, within the said borough.

13 Journ.
p. 209, 225.

Feb. 14, 1699-1700. Another petition was presented by Mr. Moncton against Mr. Bright, who had been returned again on a new election, the former having been set aside in the House. Before this petition came to be tried, the Parliament was dissolved Dec. 19, 1700.

March 22, 1715. John Dawney and Robert Frank, esqrs., who sat in the preceding Parliament, were, on the petitions of Sir William Lowther, bart., and Hugh Bethel, esq., declared not duly elected.

In 1768, Henry Strachey, esq., and several of the burgesses, petitioned against the return of William, Viscount Galway and Sir Rowland Winn,

bart. The House resolved, Nov. 24, that it was a void election. William, Viscount Galway, having been re-elected with Henry Strachey, esq., Sir Rowland Winn, bart., and Edward Winn, esq., petitioned; when the House resolved, Feb. 5, 1770, that the freeholders of burgage tenure only were the voters, and that the sitting members were duly elected.

The right of election in this borough has been contested upon every vacancy that has happened since the passing of the Grenville Act. The question has been, whether that right was in the inhabitants householders, residents here, or in burgage-tenures, the number of which is about 320; 190 belonging to Lord Viscount Galway; to Sir Rowland Winn, bart., 90; to Mr. Walsh, 42; and about 100 to individuals.

The first investigation of these claims was on the petition of the Right Hon. Charles James Fox and James Hare, esq., who were candidates on the suffrages of the inhabitants, in the general election of 1774, against Sir John Goodricke, bart., and Charles Mellish, esq., who were returned on the votes of the burgage-holders. The committee, which was appointed on the 28th of February, 1775, determined, on the 3d of March following, that the right was in the burgage-holders, and that the sitting members were duly elected.

The second contest was in 1782, when John Smyth, esq., petitioned, on the votes of the inhabitants, against Nathaniel Smith, esq., who had been returned by the burgage-holders. This committee determined, on the 11th of April, 1783,

contrary to the former one, that the right was in the inhabitants.

The same point was again contested at the general election in 1784, when the Hon. William Cockayne, and John Walsh, esq., were petitioners, on the right of the burgage-holders, and John Smyth, esq., and William Southeron, esq., were sitting members, on the election of the inhabitants, when it was determined, on the 11th of June following to be in the inhabitants, and that the sitting members were duly elected.

At the general election in 1790, this point was again contested; when John Anstruther, esq., and Charles Mellish, esq., were petitioners, on the claim of the burgage-holders; and John Smith, esq., and William Southeron, esq., were sitting members on the opposite interest; when the committee determined, for the third time, that the right was in the inhabitants. An appeal from this decision has been made to the House of Commons, when the right of election was finally resolved to be in the inhabitants residents.

CORPORATION

Consists of a mayor, recorder, and 12 aldermen, who are all justices of the peace.

RIGHT OF ELECTION.

May 28, 1624. There being no charter or prescription for choice, the election is to be made by the inhabitants (householders) residents there.

Jan. 17. Agreed, "That the right of election is in such persons as have an inheritance, or

freehold of burgage-tenure, within the said borough."

March 22, 1715. Agreed, "That Pontefract was a borough by prescription; and that the right of election is in persons having a freehold of burgage-tenure, paying a burgage-rent."

Feb. 6, 1770. Is in persons having, within the said borough, a freehold of burgage tenure, paying a burgage-rent."

March 9, 1791. Resolved: "That the right of election for the borough of Pontefract is in the Inhabitants householders residents."

Feb. 1793. The above resolution confirmed upon an appeal.

NUMBER OF VOTERS—650.

RETURNING OFFICER—the Mayor.

PATRON—Earl of Harewood, one member.

POLITICAL CHARACTER.

This borough has been remarkable for the many contrary decisions of committees respecting the right of election, as detailed in the Representative History. This has three times been determined to be in the burgage-holders, and as often resolved to be in the inhabitant-residents. The same contradiction appears in the history of Saltash and Steyning during the present reign; and within the two last centuries to have occurred in many other boroughs; but it is worthy of notice that this is a solitary instance of the ancient right of "inhabitants householders residents" being recovered. All others have been limited to corporations, burgage-holders, freeholders, freemen obtaining the privi-

lege by birth or apprenticeship, or by paying to church and poor. Now as apprentices were not known till the reign of Elizabeth, and as the poor rate was never enacted till the 43d year of that queen, we are at a loss to conceive how such qualifications can give an exclusive pretension to a right which had a pre-existence of so many hundred years, and which was inherent in all who chose to exercise it, as appears by the statute of the 8th of Henry VI. "*That all who came, claimed an equal right with the most wealthy knights and esquires.*" This ancient right appears to have been lost sight of in the quibbling about splitting a burgage-hold, or the form of admitting an apprentice to his freedom. The dispute between persons paying scot and lot, and those who *ought to pay*, has caused the same litigation and expense, as will be seen in the Seaford case and many others, while the right of election, which constitutionally extends to every householder in the kingdom, is broad and uniform, and admits of neither dispute, litigation, nor expense, if they are registered and polled in one day in their respective hundreds or districts where they reside.

The Earl of Harewood has purchased the property, which belonged to Lord Galway, in this town; and, by the influence he has thereby acquired, procured the return of one of his sons at the last general election; the numbers on the poll being—

For R. P. Milnes, esq. 421—Hon. H. Lascelles 336—Lord Pollington 311— Hodgson, esq. 175.

Mr. Lascelles being also returned for Yorkshire, made his election for that county, when Lord Viscount Pollington was chosen in opposition to Lord Harewood's interest.

This town owes the recovery of its ancient elective right to the late Right Hon. John Smyth, of Heath, in this county, who represented it in seven successive Parliaments.

ALDBOROUGH.

ALDBOROUGH, a borough in the wapentake of Claro, west riding of York, contains 110 houses and 445 inhabitants.

REPRESENTATIVE HISTORY.

This place never sent members to Parliament till the last year of Philip and Mary, 1558; nor do we meet with any memoirs of the right, or concerning the election till 1673.

PETITIONS, &c. Jan. 7, 1673. A petition of James Long, esq., complaining of the practice and undue carriage of John Ramsden, esq., late high-sheriff of the county of York, in making a double return for this borough of Sir John Rereby and Robert Benson, esq., who are neither of them duly elected, in wrong of the petitioner, who was duly elected by the majority of such persons as have right of election, and his indenture by them signed and sealed, and delivered unto the said high-sheriff, who did promise, and ought to have returned the same.

Jan. 23. Ordered the merits and the return to be heard together.

The House after this sat until the 24th of February, when the session ended, and they met again on the 10th of November following, but sat only one day, when they were prorogued on the 13th day of April following.

April 17, 1675. A petition of Robert Benson, esq.

— 24. Report by Sir Thomas Meeres on the matter of the return and the state of the evidence thereupon, and two resolves which he read in his place, and afterwards delivered the same at the clerk's table, where they were read and agreed to.

Resolved: "That Mr. Benson is not well returned."

"That Sir John Reresby is well returned."

Feb. 26, 1676. A petition of the burghers was read, and ordered to be referred.—No report.

May 23, 1678. A petition on behalf of the burghers was read, and exceptions being taken thereto, it was withdrawn.

— 30. A petition of several of the burghers of this borough, setting forth, that Sir John Reresby had procured himself to be returned, although he was not duly elected; and exception being taken to the said petition, that there was an affidavit upon the same paper, it was ordered that the affidavit be blotted out, and the petition referred to the Committee of Privileges to examine and report; but the sessions ending on the 13th of July, it was not heard.

Oct. 26. The said petition was again presented, and referred in like manner, but not heard.

March 19, 1678. A petition of Sir Godfrey Copley, bart., complaining of an undue practice used by the high sheriff of the county of York, in returning Sir John Reresby to serve in the present Parliament as burgess for this borough, in injury of the petitioner, who was duly elected.

May 15, 1679. Report by Sir Thomas Meeres, that the committee had taken into consideration the matter, and it appeared to the committee that Sir John Reresby had about 19 of the inhabitants paying scot and lot, who voted for him in the said election; and Sir Godfrey Copley had about 24 of the said inhabitants paying scot and lot, whereupon the committee resolved:

“That all the inhabitants paying scot and lot have only right to vote, in electing members to serve in Parliament for the said borough.”

“That Sir John Reresby is not duly elected.”

“That Sir Godfrey Copley is duly elected.”

To which the House agreed.

In the year 1689, there was a double return of members for this borough; by one indenture Henry Boyle and John Vandenbendic, esqrs., and by another, Sir Michael Wentworth and Christopher Tancred, esq., which were referred to the consideration of the committee.

May 17. Mr. Grey reported, that the main question was, whether the right of election was in a select number of burgesses holding burgage tenure in the said borough, or in the inhabitants paying scot and lot: if in the select number, then Mr. Boyle and Mr. Vandenbendic were duly elected; if in the inhabitants paying scot and lot,

then Sir Michael Wentworth and Christopher Tancred were elected.

For the former produced several returns, viz.

14th Eliz. by a select number, but the record torn.

1st Jac. by seven burgesses and boroughmen.

21st Jac. by seven burgesses and boroughmen.

3rd Car. by nine burgesses and boroughmen.

15th Car. same.

13th Car. II. *per nine burgenses, majorem partem burgensium.*

25th Car. II. *per 16 et multos alios burgenses.*

For the latter also were produced several returns.

1st Car. II. burgesses and boroughmen, same year, another of the same.

13th Car. II. *per nine burgenses existem. majorem partem burgensium qui electioni illi interfuerint.*

30th Car. II. *per 20 et multos alios burgens. existem. maj. partem burgensium præsentium.*

That it was said three of the nine that claimed to be borough holders received alms, and others were very poor.

That as to the merits of the return it was not much insisted on ; only it was said that seven of the nine boroughmen had joined in the choice of the bailiff, who returned Sir Michael Wentworth and Mr. Tancred.

Upon the whole the committee resolved : 1st. "That the right of electing burgesses to serve in Parliament for this borough is not only in the select number of burgesses holding by burgage tenure in the said borough."

2nd. Resolved: "That the inhabitants of the said borough paying scot and lot have a right to vote for electing members of Parliament for the said borough."

Resolved: "That Sir Michael Wentworth and Christopher Tancred, esq., are duly returned;" all which resolutions were read a second time, and agreed to by the House.

Nov. 27, 1696. A petition of several of the inhabitants of this borough against the return of Henry Fairfax, esq., for a breach of the Treating Act. The petitioner alleged that he, "contrary to the act made the last session, spent *great* sums of money in treating the electors." Dec. 21, Resolved, *nem. con.* "That Henry Fairfax, esq., having, contrary to the late act of parliament, expended money in order to his election to serve in this present Parliament for the borough of Aldborough, in the county of York, since the vacancy thereof by the death of Sir Michael Wentworth, is disabled and incapacitated upon such election to serve as a burgess for the said borough." Then followed the resolution of the election being void. The motion in the House, however, for a new writ, after this void election was repeatedly put off; so that none issued from Dec. 21, 1696, till Dec. 30, 1697; on which day a petition from the electors of Aldborough was presented to the House, asking pardon for their late offence, and praying to be received into the favour of the House, and to be allowed to go to a new election. Hereupon a new writ was ordered "for the electing a burgess, &c. in the room of Sir Michael Went-

Peckwell,
vol. i.

p. 193.

Ib. vol. ii.
p. 247.

Luders,
vol. iii. p.
480, 500-1.

11 Journ.,
p. 599, 632.

12 Jour.
p. 2, 11, 19.

worth, knight, deceased :" the House taking no notice of the intermediate election of Fairfax, which had been declared void, supposing no vacancy to have been occasioned by that declaration, on account of the nullity of the election so avoided.

Dec. 12, 1698. A petition of Cyril Arthington, esq., complaining of an undue return of Sir Abstrupus Danby, by divers illegal practices.

A petition of Christopher Tancred, esq., complaining of an undue return and most notorious bribery and repeated menaces before, at, and since the election.

Nov. 16, 1699. The petition of Mr. Tancred was renewed.

30. The petition of Mr. Arthington was also renewed,

Jan. 16, Mr Arthington withdrew his petition.

March 2, Sir Rowland Gwynn reported that Sir George Cook's election was not contested; the poll was for Sir Abstrupus Danby 30, for the petitioner 10, but the petitioner insisted that the sitting member's votes were procured by bribery, to prove which, William Penrith said Sir Abstrupus Danby came to the borough, and sent for the boroughmen, and him amongst the rest, and told them, he had thought on a way to gratify the town, if they would chuse him Parliament man, that he would give two loads of coals to each borough man, and sent tickets for the same; that he had a ticket from one of Sir Abstrupus's servants who told him they had been about to deliver tickets to others, and produced his ticket dated June 8, that tickets were given only to borough-

men, and to them without distinction; that it was noised about that this would be deemed bribery, whereupon two of Sir Abstrupus's servants desired his ticket again, but he refused; that about a fortnight or ten days before the election, Sir Abstrupus treated the boroughmen at his house, and had his fire and candle, and Mr. Johnson paid him 2*l.* 5*s.* for the same; but owned he did not vote for Sir Abstrupus Danby.

John Elly, Thomas Rawlins, and others stated, the same as to the coals, &c., with additions; Rawlins also said about a fortnight before the election he met Sir Abstrupus Danby, who said, "I suppose my man has given you five shillings, and if you will vote for me I will give you five pounds." Richard Smithson said about ten days before the election Sir Abstrupus Danby met him and told him he would make it twice as good as the coals if he would give him his vote, he would give his daughter a George; that Stocsaker, an attorney, the Sunday before the election, desired his vote for Sir Abstrupus Danby, and in that case he would bear all the charges of a lawsuit, whether won or lost; and the said Stocsaker pretended to read a letter from his mother and brother-in-law, in which it was said if he would vote for Sir Abstrupus Danby it should be better than 100*l.* to him.

William Penrith and Francis Barraby said Mr. Morris, vicar of this borough told them he had offered four burgesses whom he named, but differed in their evidence as to one of them, to Mr. Tancred, if the said Mr. Tancred would give him forty

pounds ; Morris telling Penrith that Mr. Tancred had put him to so much charge by a lawsuit ; but Mr. Tancred refused to accept the terms, and went away angry with him. Mr. Barraby said Mr. Morris made the same proposal for Mr. Arthington, who was also a candidate.

Rawlins also said Mr. Womble came to him, and desired his vote for Sir Abstrupus Danby, and told him it would be kindly taken by Lady Wentworth ; that he voted for Sir George Cook and Mr. Tancred, and had notice to quit his farm he held of Lady Wentworth, as had George Lawton and William Painter, who held two farms under the said Lady Wentworth ; but Rawlins could not say these notices were occasioned by their voting, only he believed it because he knew no other reason. On the other hand, Richard Scruton said Rawlins at the county election did swear he had forty shillings per annum, and that he, or his father never had any freehold. Two other witnesses said these two witnesses were men of bad reputation : upon which the committee resolved :

“ That Sir Abstrupus Danby is duly elected ; to which the House agreed.”

In 1713, Edward Worsley and William Jessop, esqrs., petitioned against the return of Joseph Dawney, esq., but the merits of this election not having been decided, Mr. Dawney sat all this Parliament both for this borough and for that of Pontefract.

CORPORATION.

None.

RIGHT OF ELECTION.

May 15, 1679. In all the Inhabitants paying scot and lot.

May 17, 1690. Is not only in the select number of burgesses holding by burgage tenure in the said borough, but in all the Inhabitants paying scot and lot.

NUMBER OF VOTERS—nominally 64, but actually only one.

RETURNING OFFICER—the Lords Bailiff.

PROPRIETOR—the Duke of Newcastle.

POLITICAL CHARACTER.

This parish which does not contain more than one hundred and ten houses, sends *four members* to Parliament, under the names of the boroughs of Aldborough and Boroughbridge. They do not, like Steyning and Bramber, in Sussex, consist of one paltry street, or, like Weymouth and Melcombe, in Dorsetshire, unite in choosing four members, but are separate and distinct boroughs, without arms or corporations, and almost destitute of every thing else but representatives. A bailiff, appointed at the court-leet of the lord of the manor, is the returning officer, and the right of election is in sixty-four housekeepers, paying scot and lot; these houses are all the property of the Duke of Newcastle and Mr. Lawson, but as the latter has only a minority, the election interest is wholly in the Duke of Newcastle.

BOROUGHBRIDGE.

BOROUGHBRIDGE is a borough and market-town in the parish of Aldborough, Claro wapentake, west riding of York, containing 113 houses and 680 inhabitants. The town has a considerable trade in hardware, which is its chief support. Market on Saturday.

REPRESENTATIVE HISTORY.

This borough was first summoned to send members to Parliament by Queen Mary, anno 1553.

The memoirs relating to its elections we have met with are what follow.

PETITIONS, &c. Jan. 7, 1673. A petition of the burgesses and boroughmen of this borough was presented to the House, complaining of an undue return of Sir Henry Goodrick.

Also a petition of Sir James Long, bart., to the same effect, and to the injury of the petitioner.—No report.

March 24, 1689. A petition of Sir Bryan Stapleton, bart., complaining of an undue return of Sir Christopher Vane, by Sir Christopher Winderford, bart., the high sheriff, directing the precept to an illegal bailiff who suffered many to poll who had no right so to do, although the majority of legal votes protested against the same.

Oct. 6, 1690. The same petition renewed.

Nov. 18. Mr. Grey reported that on behalf of the petitioner, it was proved that he had 37 voices,

which was more than those who voted for Mr. Vane; that for the sitting member, no poll was produced, but only the return.

Upon which the committee resolved: "That Christopher Vane, esq., is not duly elected a bur-gess."

"That Sir Bryan Stapleton is duly elected; with which the House agreed."

March 30, 1715. A petition of Sir Bryan Stapleton, bart., shewing that at the election for this borough, Mr. Wilkinson and Mr. Steel by threats, &c., have procured themselves to be returned for the said borough; and that by the assistance of a noble earl, a peer of this kingdom, have much influenced the said election; and that Mr. Charles Wilkinson agent for the said earl, has been guilty of irregular practices for the sitting members, and in open court insulted and threatened the petitioner's counsel; and that the bailiff arbitrarily rejected votes for the petitioner, and admitted others for the sitting members, and other illegal practices were used by the bailiff; notwithstanding the petitioner was duly elected by a legal majority and ought to have been returned.—No report.

Feb. 13, 1717. A petition of John Stapleton, esq., complaining of an undue return of Sir Wilfred Lawson, bart., by indirect and corrupt practices, by himself and his agents, particularly Mr. William Man, postmaster of the said borough, who took upon himself illegally to act as a bailiff thereof, and returned Sir Wilfred Lawson without being duly chosen.

A petition of several boroughmen of the said borough to a similar effect.—No report.

CORPORATION.

None.

RIGHT OF ELECTION.

In the Burgage-holders.

NUMBER OF VOTERS—nominally seventy-four, actually only two.

RETURNING OFFICER—the Bailiff.

PROPRIETOR—Duke of Newcastle.

POLITICAL CHARACTER.

The right of election here is not like the other part of the parish which sends two members to Parliament under the name of Aldborough ; Boroughbridge being only a chapelry to the former place ; the right of voting here is limited to the burgage-holders, but that is of very little consequence, as the Duke of Newcastle nominates the members for both boroughs.

The late Rev. Andrew Wilkinson, of Sheffield, possessed part of the burgage-holds at this place, as well as some of the houses in Aldborough, and nominated one of the four members. He was succeeded in this borough property by his nephew Captain Lawson : since his death the Duke of Newcastle has returned the members for both places.

THIRSK.

THIRSK is a borough, market-town, and parish, in Birdforth wapentake, north riding of York ; containing 513 houses, and 2,092 inhabitants, of whom 423 were returned employed in trade and

manufactures, principally in coarse linens, sack-
ing, &c. Market on Monday. Fairs, first Monday
before Lent, 5th April, 5th August, 29th October,
and first Tuesday after St. Andrew's Day for cattle,
cheese, linens, pedlary, &c.

REPRESENTATIVE HISTORY.

This borough having sent only 23d Edward I.,
made no other return till Edward the VIth's last
Parliament, when the sheriff of Yorkshire sum-
moned Heydon and this borough to send members.
We meet with no other memoirs until since the
Restoration, when, in the Journals of the House
of Commons, the following occur.

PETITIONS, &c. May 3, 1660. Mr. Turner
reports from the Committee of Privileges and Elec-
tions, touching the double return for this borough,
the opinion of the committee, "That William
Stanley, esq., is returned by the proper officer,
and ought to sit until the merits of the cause upon
the double return be determined:" whereto the
House agreed.

March 22, 1672. Resolved: "That the Com-
mittee of Elections do, before the recess, proceed
in the matter concerning the double return for this
borough who are returned by the proper officer.

Oct. 30, 1673. A motion being made on be-
half of Sir William Wentworth, who was returned
for this borough, informing the House, that by
reason of a contest between him and Mr. Wharton
touching the election, he had hitherto forborne to
sit without the leave of the House, though he
was returned by the proper officer. And the clerk

of the crown attending at the door with the returns, both returns read, and debate thereon.

Resolved: "That Sir William Wentworth is duly returned by the proper officer, and ought to sit."

The House was prorogued on the 4th of November to the 7th of January following.

Jan. 7. A petition of Robert Wharton, esq., complaining of an undue return of Sir William Wentworth, knt., by one Roger Meynell, bailiff of the said borough.

The sessions ended, the Parliament being prorogued on the 24th of February to the 10th of November, 1674, and from thence to the 13th of April after. This petition was again lodged with the Committee of Elections. And,

May 20, 1675, Sir Thomas Meres reported from the said committee the state of the case and evidence of this borough, and three votes of the committee as follow:

"That Sir William Wentworth is not duly elected:"

"That Mr. Wharton is not duly elected."

"That the said election for this borough is a void election."

The first of the said votes being read a second time, was disagreed to by the House: and,

Resolved: "That Sir William Wentworth is duly elected."

CORPORATION.

None.

RIGHT OF ELECTION

In the Burgage-holders of the village of Old Thirsk.

NUMBER OF VOTERS—nominally fifty, but actually only one.

RETURNING OFFICER—the Bailiff, appointed by the proprietor.

PROPRIETOR—Sir Thomas Frankland, bart.

POLITICAL CHARACTER.

This town is divided by a river into two parts. Old Thirsk is almost depopulated, but possesses the right of sending two members to Parliament by fifty burgage-holds, forty-nine of which actually belong to Sir Thomas Frankland, who returns both the members.

The new town has a good market, and upwards of 500 houses, is well built, full of inhabitants, and improving, but has no concern in the election of members of Parliament. The burgage-holds in Old Thirsk are conveyed to certain friends and dependents of the proprietor on the day of election, for the purpose of returning the members only, as he receives the rents and the profits of the whole of them.

BEVERLEY.

BEVERLEY is a borough and market-town in Beverley liberty, east riding of York, containing 401 houses and 1,196 inhabitants, being 2,424

males, and 2,977 females, of whom 521 were returned employed in various trades and manufactures. There are markets on Wednesdays and Saturdays, and three principal ones for hogs, sheep, &c., on Wednesday before New Holy Rood, Wednesday after Christmas-day, and Wednesday before the 5th of April.

REPRESENTATIVE HISTORY.

This borough sent burgesses to all King Edward the 1st's Parliaments, made no other returns, though it received three summonses in Edward the 3rd's reign, till the 5th of Queen Elizabeth, who, *anno* 1573, incorporated it. There appear no contests upon the elections for this borough till the reign of King James II.; of which, and those subsequent thereto, we meet with the following memoirs.

PETITIONS, &c.—June 1, 1685. A petition of Sir John Hotham, bart., touching the election for this borough.

Ordered: "That it be referred to the Committee of Privileges and Elections, to examine and report the matter, with their opinion.—Never heard.

Feb. 14, 1722. A petition of Eleker Bradshaw, esq., complaining of an undue return of Sir Charles Hotham, bart., stating that he and petitioner were candidates at the election for this borough on the 31st of July last; that said Sir Charles was not a burgess for the corporation of Beverley by the charter of the said corporation, as also the writ requiring a burgess so to be; and that at the said election several threats, treats, and other unwar-

rantable practices were made use of, for and on the behalf of the said Sir Charles Hotham, in order to procure him to be elected.

Ordered: "That it be referred to the Committee of Privileges and Elections, &c."—No report.

In 1727-8, Elleker Bradshaw, esq., was declared not duly elected. A very gross scene of corruption, which took place at this election, gave rise to the statute of 2 George II. It is impossible to collect any thing of the particular merits of this case from the entries relative to it in the Journals.

Glenbervie,
v. iv. p. 291

25 Journ.

p. 24.

CORPORATION

Consists of a mayor, recorder, 12 governors, or superior burgesses, and 13 inferior ones, whose jurisdiction is said to extend over a hundred neighbouring villages, besides several others in a large district called Holderness, between the Humber and the sea. The charter was granted by Queen Elizabeth.

RIGHT OF ELECTION

Is in the Freemen of the town, who acquire this right by birth, servitude, or purchase. First, a freeman's son, if born within the liberties of the town of Beverley, but not otherwise, is intitled to his freedom when of the age of twenty-one years. 2dly, An apprentice for seven years to a freeman residing within the liberties of the town of Beverley, but not otherwise, upon the expiration of that term, is admitted to his freedom on paying a fine of 48 shillings. 3dly, Several persons are admitted to their freedom by purchase; and there is a

standing order that a day-labourer shall not be made free under thirty guineas; and that every other person shall pay proportionally, according to his circumstances, trade, or occupation, at the discretion of the body corporate: and a candidate to represent the borough, if not already free, may purchase his freedom for fifty guineas.

The corporation have refused to admit to his freedom a capital tradesman of this town, although he offered them fifty pounds for it, neither would they fix any other sum.

NUMBER OF VOTERS—about 1400.

RETURNING OFFICER—the Mayor.

POLITICAL CHARACTER.

Beverley is considered as the capital of the east riding of Yorkshire. The quarter-sessions for this division of the county are always held in this town; and here a court of record, called the Provost's Court, is kept, in which all causes may be tried arising within the liberties of the town, except titles to land. The corporation is also said to have a power in criminal matters, though it is not at present exercised; and here is an office for registering of all wills and deeds which affect any lands in the east riding.

Lord Yarborough had lately a property in this borough which commanded about 200 votes, and generally returned one member; but his lordship growing tired of the expense, disposed of his houses, which were called the bar interest, and being purchased among a number of individuals, the borough became independent of patronage.

The ill effects of canvassing have long been conspicuous in this place ; many of the freemen have been known to receive money of the candidates, and they are always eager for a contest, without attending to the political opinions of the members they choose, which seems to indicate something very vague and unsubstantial in their ideas of freedom. They are afraid that if there is no opposition, the loaves and fishes, as well as the liquor they swim in, may escape from their possession.

At the last general election, in 1812, the numbers at the final close of the poll were—

For John Wharton, esq. 803—Charles Forbes, esq. 731—W. Beverley, esq. 592.

NORTH-ALLERTON.

NORTH-ALLERTON, a borough and market-town in Allertonshire wapentake, north riding of York, contains 467 houses, and 2,138 inhabitants. The town has a good weekly market on Wednesday for corn, cattle, and provisions. The ancient name appears to have been Alverton.

REPRESENTATIVE HISTORY.

This borough having sent *anno* 26 Edward I., intermitted, and made no other return till called upon *anno* 1640, by order of the House of Commons, to send members, as Malton was.

PETITIONS, &c. June 9, 1660. Mr. Prynn reported a list of some persons who sat on the pre-

tended trial of the late king's majesty ; that Francis Lascelles, esq., (member for this borough) sat on the 22d day of January.

Resolved : " That Francis Lascelles, one of the judges who sat at the trial of the late king's majesty, be discharged from being a member of this House.

Dec. 20, 1705. A petition of Thomas Harrison, esq., complaining of an undue return of Roger Gale, esq., by bribery and other corrupt practices. —No report.

CORPORATION.

None.

RIGHT OF ELECTION

In the Burgage-holders.

NUMBER OF VOTERS—nominally about 200, but actually only *two*.

RETURNING OFFICER—the Bishop of Durham's Bailiff, who is lord of the manor.

PROPRIETORS—Earl of Harewood and Henry Peirse, esq.

POLITICAL CHARACTER.

The right of voting is annexed to the scite of the greater part of the houses adjoining to, and fronting the street ; few or none of the back tenements are considered as part of the burgage-tenures, or consequently entitled to votes. Some of those tenures now subsist in the form of stables, or cow-houses, in which the appearance of one or more chimney is usually preserved as a memorial of their right ; others are let out to poor persons, at a small annual rent, on the condition of their

keeping them in repair; and many are totally ruinous and uninhabited. The vote is in some instances separated from the house, by the practice of granting a lease of the latter for the term of nine hundred and ninety-nine years, subject to an annual pepper-corn rent: in either case, of the vote being reserved or sold with the house, it is considered as one hundred pounds in the purchase. We are informed that the right of voting in the borough has been invariably annexed to the ancient and established burgage-tenures, and never, as in some others, enlarged to the householders in general. A majority of these houses are known to be the property of Henry Pierse, esq., brother-in-law to the late Lord Monson and Lord Harewood, or their families. The number advertised to be sold some time ago, as the property of one gentleman, was thought to be fifteen. The remainder is divided singly, or in small shares, among various proprietors. Previous to an election, in case an opposition is expected, the assignments of the several tenures are prepared for such persons as the respective proprietors can confide in; but they are not executed unless called for, nor even then usually entrusted to the custody of the voters.

MALTON.

MALTON, a borough, market-town, and parish, in Rydall wapentake, north riding of York, containing 600 houses, and 3,047 inhabitants, viz. 1,458 males, and 1,589 females, of whom 2,028

were returned employed in various trades and manufactures, and 447 in agriculture. The market is on Tuesday and Saturday; the latter has a good supply of horses and black cattle. Fairs, Saturday before Palm Sunday and Whit Sunday, and the 10th and 11th of October.

REPRESENTATIVE HISTORY.

This borough having made two returns, viz. 23 and 26 Edward I., was restored to send members again to Parliament *anno* 1640, by order of the House of Commons; of which, and memoirs relating to its election, we have met with these—

PETITIONS, &c. Dec. 18, 1661. Sergeant Charleton made report from the Committee of Privileges and Elections, touching the election of this borough; that they had proceeded in the examination thereof upon the petition of Sir Thomas Gower against the return made for Mr. Thomas Danby; and that Sir Thomas Gower had the majority of voices; and the opinion of the committee that the said Sir Thomas Gower was duly elected, and ought to sit: whereto the House agreed.

March 3, 1672. A petition of James Heblethwaite, esq., complaining of an undue return of William Leveson, *alias* Gower, esq.; and a cross-petition of William Leveson, *alias* Gower, esq., making the like complaint of the undue return of Mr. Heblethwaite.

— 22. Ordered: “That the committee do, before the recess, proceed in the matter concerning the double return for this borough who are returned by the proper officers.

No report appears to be made on the resolution.

Oct. 27, 1675. A petition of William Leveson Gower.

A petition of the inhabitants of this town.

Feb. 26, 1676. A petition of William Leveson Gower.

March 19. Mr. Leveson Gower did this day disclaim and renounce his election and return for this borough : which was agreed to by the House.

March 18, 1677. Sir Thomas Meres reported the case of this election for this borough, and the resolution of the committee—

“ That Mr. Heblethwaite is duly elected :” whereto the House agreed.

Ordered : “ That the clerk of the crown do attend with the return for this borough, and take off the indenture of Mr. Leveson Gower, and amend the return.

May 23, 1685. A petition of William Palmes, esq., complaining of an undue return and election of Mr. Fairfax and Mr. Worsley as burgesses for this borough, in injury of the petitioner, who was duly elected, and ought to be returned.

June 3. A petition of the bailiff, burgesses, and inhabitants of Malton, touching the election for the said borough.—No report.

Nov. 23, 1708. The House proceeded upon double returns; and the return for this borough being read, and also the petition of Thomas Worsley and Thomas Harrison, esq., shewing that the election of members to serve in this present Parliament for this borough, the petitioners, and Wil-

liam Palmes and William Strickland, esq., were candidates, and the petitioners were duly elected, and returned by the proper officer, William Barton, bailiff of the said borough, to whom the precept was directed, and duly delivered; but Mr. Palmes and Mr. Strickland persuaded one Nathaniel Harrison to act as borough bailiff, who, without any precept, proceeded to a separate poll, and polled many illegal votes, and procured them to sign an indenture, and prevailed with the sheriff to annex the same indenture to his return, to the petitioners' prejudice.

And the petition of William Palmes and William Strickland, esqrs., was also read, shewing that the petitioners were duly elected, and returned by Nathaniel Harrison, gent., bailiff of the said borough; yet one William Barton, (a busy attorney in the said town,) by illegal practices with one Daniel Copley, seal keeper to the high-sheriff and others, procured to himself the custody of the precept for election, and refused to deliver it to the proper officer, though often demanded, but took upon himself to affix it to an indenture by him prepared on behalf of Thomas Worsley and Thomas Harrison, esqrs., (who were candidates at the said election, and had a much less number of voters than the petitioners,) and carried it to the said Copley; and the said bailiff Harrison sent his indenture to the high-sheriff, who, upon examination of the matter, affixed it to the writ; but the other indenture being likewise affixed thereto made it a double return, whereby the per-

tioners are debarred from sitting in the House till the merits of the said return are first determined

Dec. 14. The House further proceeded, according to order, to hear the merits of the double return for this borough; and the counsel on both sides being called in, the petitions were read, and several witnesses on both sides examined, and counsel heard.

Resolved, *nem. con.*, "That William Palmes and William Strickland, esqrs., are duly elected; and ordered that the other return be taken off the file.

March 30, 1715. A petition of Sir William Strickland, bart., shewing, that at the last election for this borough the petitioner was one of the candidates, and had a majority of legal votes; but by the corruption of Thomas Wentworth, sen., esq., and the arbitrary proceedings of William Barton, bailiff of the said borough, by admitting several persons who had no right, and took upon himself to make a false return, to the prejudice of the petitioner.

A petition of the burgesses electors for this borough, complaining that several persons were polled who did not pay scot and lot; and others living without the borough, pretending to be freeholders within the said borough, were allowed to poll; all which proceedings were prejudicial to the privileges of the said borough.

March 21. The House being informed that the Hon. Thomas Wentworth, a member of this House, whose election for this borough is peti-

tioned against by Sir William Strickland, bart., and by several burgesses for the said borough, and also a material witness for the said Mr. Wentworth, are very ill, and not able to attend the hearing on Monday next as appointed, ordered, "That said committee do hear the matter of said petitions on 23rd of April next.

May 11, 1716. Petitions withdrawn.

1807. Bryan Cooke, esq., petitioned against the return of Lord Headley—Mr. Cooke declared duly elected.

CORPORATION.

None.

RIGHT OF ELECTION

In the Burgage-holders.

NUMBER OF VOTERS—400.

RETURNING OFFICER—the Bailiff.

PROPRIETOR—Earl Fitzwilliam.

POLITICAL CHARACTER.

New Malton is a town and borough, comprising 600 houses. Old Malton is separated by the Derwent, and contains 150 houses, but is not within the limits of the borough.

This borough is the property of Earl Fitzwilliam, who keeps an agent here, and nominates the members.

An opposition was made to his lordship's interest at the general election in 1807 by Lord Headley, who procured a return, but soon afterwards lost his seat, upon the petition of Bryan Cooke,

esq., of Ouston, in this county, who was the candidate upon Lord Fitzwilliam's interest.

There has been no decision on the right of voting for this borough; but it is exercised by the bur-gage-holders, a great majority of which belong to Earl Fitzwilliam, who also appoints the returning officer at his court-leet.

Malton has three churches, but they are only reputed chapels of ease to Old Malton.

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HISTORY

OF THE

CINQUE-PORTS.

THE name of Cinque-Ports is derived from *Quinque Portuus*, five havens opposite to France, thus called by way of eminence, on account of their superior importance. Our kings have thought them worthy of a peculiar regard; and, in order to secure them against invasions, have granted them a particular form of government. They are under a keeper, who has the title of Lord Warden of the Cinque-Ports (an officer first appointed by William the Conqueror,) who has the authority of an admiral among them, and issues out writs in his own name.

The privileges anciently annexed to these ports and their dependants, were,

I. an exemption from all taxes and tolls. II. A power to oblige all that lived in their jurisdiction to plead in their courts, and to punish offenders in their own bounds; as also murderers, and fugitives from justice. III. A power to punish foreigners, as well as natives, for theft; to have a pillory, and tumbrel or ducking-stool.* IV. A

* A machine formerly used for the punishment of scolds and brawling women; as also for brewers and bakers, who trans-

power to raise mounds or banks in any man's land against breaches of the sea. V. To appropriate to their own use all lost goods, and wandering cattle, if not claimed within a year and a day. VI. To have commons, and to be at liberty to cut down the trees growing upon them. VII. To convert to their own use such goods as they found floating on the sea; those thrown out of ships in a storm; and those driven ashore when no wreck or ship was to be seen. VIII. To be a guild or fraternity, and to be allowed the franchises of court-leet and baron. IX. A power to assemble and keep a port-mote, or Parliament for the Cinque-Ports; to punish all infringers of their privileges; make bye laws, and hear all appeals from the inferior courts. X. Their barons to have the privilege of supporting the canopy over the King's head at his coronation.

In return for these privileges, the Cinque-Ports were required to fit out fifty-seven ships, each manned with twenty-one men and a boy, with which they were to attend the king's service, for fifteen days, at their own expense; but if the state of affairs required their assistance any longer, they were to be paid by the crown.

It is certain that the Cinque-Ports were, at a very remote period, endowed, by Royal grant, with divers very valuable privileges and immuni-

gressed the laws, and were, in such chair or stool, to be immersed in some muddy or stinking pond. What pity such a machine should be out of use in these days, when so many worthy wights daily aspire to the honour!

ties, as a compensation and remuneration for the shipping which they engaged to supply the sovereign with, whenever he should require it of them, and for other public services which they were bound to the performance of.

As the exact time at which they were enfranchised has never been, with any certainty, discovered, they are held to enjoy all their earliest liberties and privileges, *as time out of mind, by prescription*. These were confirmed to the inhabitants of the Cinque-Ports, and their members, by Magna Charta, wherein they are stiled the barons of the Cinque-Ports; and again by a general charter of Edward I. which, by *inspeximus*, received confirmation, and sometimes additions, from most of the Kings and Queens of this realm, till the time of Charles II. whose general charter is the last.

As the term baron occurs continually throughout all the charter ports, it may not be improper to inform our readers, that it is of the same import as burgess or freeman. From the mode in which it is used, there is great reason to think, that every inhabitant of the ports, contributing to their common expenses, and other services, was a baron, that is, a freeman. In some of the oldest boroughs in the kingdom, wherein the lands were holden in ancient demesne, every inhabitant, who paid a rent to the crown, was entitled to the elective franchise: by analogy it should seem probable, that the same rights formerly prevailed in the ports, as to those inhabitants who were assessed to the exigencies of the public. There are many

other circumstances which give great strength to this supposition, which will be hereafter touched upon.

The representatives of the ports in Parliament are, to this day, stiled barons, because they were formerly, as they still ought to be, chosen from amongst the inhabitants at large. The modern practice, however, is widely different; the nominee of the treasury is, in most of the ports, the person who is returned, as a mere matter of course; scarcely any one of the sixteen members of the Cinque-Ports having the smallest connexion with, or being personally known in the town which he represents, the only necessary introduction being the treasury warrant. Lord Coke informs us, that the privileged ports were at first but three; for, at the making of Domesday Book, which was in the 14th year of the Conqueror, there are but three made mention of, viz. Dover, Sandwich, and Romney; it is certain that these three were enfranchised together by Edward the Confessor; and on consideration of certain services to be performed by their shipping at sea, and for some other considerations, were exonerated from such contributions and burthens, as other towns were usually charged with.

The ports of Hastings and Hythe were added by the Conqueror, and endowed with equal privileges and immunities. The number being now increased to five, they were ever after called the Cinque-Ports; which appellation, being clearly of Norman, and not of Saxon original, is a strong

presumptive proof that they had not attained to this number before the Conquest; however, this is a point that has been much controverted.

The ancient towns of Winchelsea and Rye (as they are particularly called) were annexed before the time of King John, and were denominated *nobiliora membra Quinque Portuum*; notwithstanding which increase, the Cinque-Ports still retained their original appellation.

These sister towns of Rye and Winchelsea, are, in most books which treat on this subject, supposed to be members of Hastings; but this certainly is an error, and well accounted for by Jeake, in his history of the charters of the ports, which abounds with an infinity of valuable information on this subject.

From the time they were first added, they have been considered and treated as original ports, and as of equal rank and consequence.

Everyone of the Cinque-Ports and ancient towns have some of the adjacent places belonging to, and incorporated with them, and, in a degree, subject to their control and jurisdiction. They are called limbs or members, and assist their mother towns in raising the sums of money at which they are assessed for the public services, and in providing the quota of shipping.

Seaford, which is a member of Hastings, is the only one of that description which has the privilege of sending representatives to Parliament. In return for the very ample privileges and immunities with which the ports were gifted, the services done by them to the nation were originally great

and important; as little less than the whole naval force of the kingdom was supplied by them in the time of emergency. Although their utility to the public has long since been wholly at an end: to the minister, for the time being, they are still of the utmost consequence; for to these towns he may look, with almost absolute certainty, for a constant supply of a band of sixteen members, in the highest state of discipline and obedience.

The chief officer of the ports, according to Lord Coke's second Institute, is called the Warden or Keeper of the Cinque-Ports, who is also admiral thereof, and, among them, hath the jurisdiction of the admiralty, which is wholly exempt from the admiralty of England. This warden, says that great judge, ought ever to be a man of great fidelity, wisdom, courage, and experience; for that he hath the charge of the principal gates of the kingdom; he is also constable of Dover Castle; which post, formerly considered of so much honour and consequences, is now converted into a patent sinecure place, for life, with a salary of 4,000*l.* a year, from the civil list annexed, which, with the old and customary fees and perquisites, renders it, *communibus annis*, equal to about 6,000*l.* and is one of those good things, which that virtuous minister Lord North secured for himself while in power, thinking himself, no doubt, well intitled to it at the hands of the public, for the services he had rendered this nation in America, and elsewhere.

Independent of the above sinecure, there is still appertaining to this office a very considerable and

valuable patronage, though certainly inferior to what it formerly was, particularly with respect to Parliamentary influence.

Such was formerly the corruption, venality, and profligacy of the Cinque-Ports, and such the arrogance of the Lord Wardens, that these officers actually assumed to themselves the power and right of nominating, as a matter of course, one of (and occasionally both) of the representatives of each borough town of the ports. This usurpation was quietly submitted to till the time of the revolution; the year after which great event, a death wound was given to this infamous practice, by the passing an act, intituled,

An Act to declare the Right and Freedom of Election of Members to serve in Parliament for the CINQUE-PORTS.

“Whereas the election of members to serve in Parliament ought to be free; and whereas the late lord wardens of the Cinque-Ports has pretended unto, and claimed as of right, a power of nominating and recommending to each of the said Cinque-Ports, the two ancient towns, and their respective members, one person, whom they ought to elect to serve as a baron or member of Parliament for such respective port, ancient town, or member, contrary to the ancient usage, right, and freedom of elections.

“Be it therefore declared and enacted, by the King’s and Queen’s most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the

same, That all such nominations or recommendations were and are contrary to the laws and constitution of this realm, and for the future shall be so deemed and construed, and hereby are declared to have been, and are void, to all intents and purposes whatsoever; any pretence to the contrary notwithstanding."

The effect of this statute has been such as to take away from the Lord Warden the privilege of nominating *one* member for each town, and to vest in the treasury the power of returning *both*. The Lord Warden has still remaining a small Parliamentary interest at Dover, where he can command about twenty-five votes, by means of places at his disposal, in and about Dover Castle, and the other forts in that neighbourhood.

It should be observed, that the Lord Warden is the general returning officer of all the ports; and that all parliamentary writs are directed to him, in the same manner as to sheriffs of counties; upon which he issues his precept for the election to the proper officer of each port.

The Cinque-Ports, and such of the members as send representatives to Parliament, are all incorporated; the head officer, or chief magistrate being a mayor, except at Seaford, where he is termed the bailiff.

Jeake says, that, by the customs of the other Ports, the jurats in every corporation should be in number twelve, besides the head officer, making, as it were a jury of justices; and, lest length of time should confirm and sanction a gross and a fast increasing abuse, we wish particularly to im-

press, that the bench of justices in all the ports ought, by law, and by their charters, to consist of a mayor or bailiff, and twelve jurats ; particularly as at some of them (for instance, Romney and Winchelsea,) it has of late years been contended, that the proper number is but six.

Two jurats and the mayor compose a quorum, for the administration of what is, locally, called justice, but which might, with much less impropriety, be styled injustice. It is the practice in most of these towns to keep the number of magistrates as low as possible, scarcely in any instance exceeding four or five ; the inducement to this is, that jurats, being of more *consequence* than ordinary freemen, expect a larger portion of the septennial produce of corruption and profligacy than ordinary freemen, and the fewer there may be to divide these *spolia opima*, the greater will be the share of each individual. It is here material to observe, that it is competent to any individual whatever, at any time, to move the court of King's Bench for a *mandamus*, to compel the head magistrate and jurats of any of the ports, to complete their number of thirteen ; which, whenever it is done, causes no little trouble and embarrassment : the first step taken by Mr. Barham, when, previous to the general election in 1784, he made an attack on the treasury interest, under the management of Mr. Milward at Hastings, was to compel him to fill up the bench of magistrates, then consisting of only six, to its proper quota of thirteen. In order to effect this, sailors, smugglers, tailors, barbers, and the lowest mechanics, (but not an individual of them in any

decent situation of life, and most of them not of ability to write their own names,) were clothed with the sacred robe of magistracy.

But let not the reader suppose, that the jurats of the Cinque-Ports have (generally speaking) the smallest portion of that *real consequence* which is derived from virtue, integrity, talents, or education, but merely that which must, of necessity, ensue to any one becoming a magistrate, and intitled to a seat on the bench of justice; though taken from among the dregs of the people, and the meanest, most illiterate, and corrupt of mankind. But this abuse becomes very serious and alarming, when we are told, that the power of these low, corrupt, and contemptible beings, of whom we are now treating, is not merely coextensive with, and similar to, that of ordinary justices of the peace, but reaches, in the fullest manner, to the lives, liberties, and property, of all those who have the unhappiness to live within their jurisdiction.

How dreadful must be the reflection, that if any capital offence should be committed, for instance, at Seaford, during the mayoralty of a person of the description of either of these jurats, that such a man should preside, at the tribunal, at which the person accused and suspected would be tried for his life!

Though it may be peculiar to Seaford to have a presiding magistrate exactly of this description, yet, in most of the other towns, the mayors are generally equally low, illiterate, and uneducated.

Lord Coke tells us, that the jurisdiction of the Cinque-Ports is general, and extends as well to

personal actions as real and mixed. That fines are levied, and recoveries suffered of lands, in the same manner as in the court of Common Pleas; that they have cognizance of all offences and crimes, with the exception of high treason, and hold quarter-sessions; in fact, that the magistrates of the ports have the same power and authority as his majesty's judges, acting by virtue of their several commissions of oyer and terminer, of the peace, and of general gaol delivery.

From a body of jurats of the description above given, the mayor is elected. Before the passing of the statute of the 9th of Anne, chap. 20, which enacts, that officers, having the return of members of Parliament (which the mayors have in all the Cinque-Ports) shall not be chosen two years following each other, the same person was usually continued in the office of mayor for a great length of time, and sometimes in a manner for life; the agent, or manager of the concerns of the treasury, in each respective borough, was universally the person appointed to this office. That statute, however, has, in reality, been productive of no considerable effect; the only alteration ensuing from which is, that some very near relation, or mere tool and dependant of the government officer, is nominated every alternate year to fill this station.

To shew that this observation is correct, let us take a survey of one of the ports. At Seaford, Goldsmith and Chambers, brothers-in-law, were constantly alternate bailiffs till Goldsmith's death; it was next Harben and Chambers.—At Hastings, the two Milwards, father and son, have been the

mayors these many years ; before Milward, jun., came of age, it was Milward and Evitt, a custom-house officer, and relation of Milward's—At Winchelsea, Martin and Lamb, uncle and nephew. At Rye, Thomas Lamb and Thomas Lamb, jun., father and son. At Romney, Coates and Walter, brothers by marriage. At Hythe, generally one of the Tournay family.

With respect to the freedom of the Ports, it seems highly probable, not only from the uniform language of all the charters, and the notes of Jeake thereupon, but also from the proceedings and the evidence adduced in the trial of *mandamus*, brought by Henry Moore,* against the mayor, jurats, and commonalty of Hastings, before Lord Hardwicke, in 1736, that the right to, and mode of, obtaining a freedom in any one of the Ports, was originally universally the same, notwithstanding the very great difference which at this day prevails amongst them in this respect, occasioned either by fraud, collusion, artifice, corruption, or the opposite determinations of committees of the House of Commons.

For the further information of our readers, particularly such of them as may be resident within the ports, and pay scot and lot, and thereby certainly entitled to their freedom, we here insert the custumal concerning the making of freemen in the Cinque-Ports and their members ; which is as follows :

The mayors and jurats, the bailiffs and jurat

* See Appendix, to the tenth volume of State Trials.

and the jurats, in every Cinque-Port, and member of them, where the mayor and bailiff shall have been of common election, have a power, in the presence of the commonalty, to receive and make freemen after three different methods :

1st, By birth within the said town and port, if his father shall have been free at the time of his birth.—2dly, By a freehold tenement ; and, 3dly, By purchase, redemption, or gift.

And it is to be observed, that no man shall enjoy the freedom of any Port, or member thereof, until he has taken the oath which ought to be taken, “ that he will be, from that day until the end of his life, true and faithful to his King of England and his heirs, and that he will maintain, according to the best of his power, the statutes and liberties of the Five Ports, and particularly those of that particular Port or member thereof, where he resides ; and that he will always be obedient to the mayor and jurats, the bailiff and jurats, and to the jurats, (as the case may be) ; and that he will be always ready to perform, bear and pay, scot and lot, if they shall appear to be ordered for the common advantage of the place ; in being armed in defending themselves against the enemies of his lord the king, when he shall be commanded by the governors of the Port, or a member thereof : and that he will not hear any thing spoken to the disadvantage of the aforesaid freedom, or to the abuse of the mayor, bailiffs, and jurats, or any of them, in the town where he resides, without acquainting them therewith. So help him God.”

Art. 35. “ Any person intending to obtain the

freedom of the Five Ports by purchase, must find four resident sureties for his fulfilling all and singular the premises aforesaid.

Art. 36. “ And if he shall be a stranger to the Ports, or an Englishman, born in parts beyond the seas, and have lived with a good character and condition in any Port or member thereof, and afterwards shall marry in the same Port or member thereof, and desire to obtain his freedom, he may become free by purchase, as has been said above, in all the freedom of the Five Ports; with this proviso, that he cannot vote at the election of mayor, bailiff, jurat, or any other officer, nor be concerned in the councils and business of the commonalty, until he have the letter of our lord the king, acknowledging him naturalised.

Art. 37. “ And the lord warden of the Cinque Ports, or his *locum tenens* may once, while in that office, make one foreigner, born beyond the seas, free in every Port and member thereof, according to the form of making freemen by purchase, without any fine being paid to the commonalty where this foreigner is resident, except the fees of office which are usual upon this occasion.

Art. 38. “ And they who are, in all and singular the forms aforesaid, made free in any Port or member thereof, are entitled to their freedom and usages in all the other Ports.

Art. 39. “ And no man shall be made free by purchase, until he has lived a year and one day in that Port or member where he asks his freedom, &c., &c.”

This custumal Lord Hardwicke thought fit to

admit as good evidence, when trying a question which related solely to Hastings ; but it is evident, from the introductory clause, *Hic sequuntur consuetudines Quinque Portuum & eorum membrorum*, that it by no means relates to that any more than to any other of the Ports ; it respects generally and equally all the Cinque-Ports and their members. We have dwelt longer on this customal, as, if in future any question should arise as to the right of freedom, in any of the Ports not shut up by the determination of committees of House of Commons, under the Grenville Act, it may prove of the utmost importance and consequence.

At this day, the right to the elective franchise, by virtue of a freehold, is totally at an end at every place but Dover. Freedom, as a birthright, is allowed to *all* the sons of freemen at Dover, Sandwich, and Hythe : at the other Ports the claim of the *elder son alone* is admitted to be valid ; and even this has been very much narrowed of late years. At Hastings and Rye, it is pretended, that the first-born son of a freeman, (strictly speaking,) born within the place, has a just title, and that a second son, upon the death of the elder brother, does not succeed to his right : and further, if a man, having had a son at any time, be admitted to his freedom, that no after-born son of this man can have the claim of birthright, though the brother should chance to have died before the admission of the father. At Romney, the claim of the eldest son is admitted to be good, provided he be born within the town ; at Winchelsea, the claim

of the eldest of every other son has of late been wholly denied.

But, in order wholly to stifle such troublesome claims, it is now the practice to admit such people only to freedoms, by election or redemption, as are advanced in life ; old bachelors, or those who, for some reason or other, are not likely to have children.

But the greatest reason, and the most necessary qualification, is poverty, which is considered as the best security for an uniform submission to the control and direction of the superior power.

A freedom of a Cinque-Port town is always considered as entitling the possessor to a provision of some sort, which is generally furnished at the expense of the nation ; and, in order thereto, in every one of the Cinque-Ports, as a mere matter of course, there is a very large custom-house establishment. Besides the ordinary servants and retainers to a custom-house, there are usually five or six riding officers, a custom-house boat, among the crew of which if there be a single sailor, it is an extraordinary circumstance, but they must all of necessity be freemen ; at three or four of the towns, custom-house cutters are stationed, nominally to cruise against the smugglers, but really to make provision for the friends of the minister : the whole body of officers are freemen of course. As the salaries of the captains and higher officers are very considerable, they have usually, according to the profits, one, two, or three, of the lower class quartered on them, who are called Riders ; which

practice is very general as to all the other superior places. One very great convenience results from this ; for, although the principal is disqualified from voting by Mr. Crewe's bill, yet the Rider may give his vote as if really independent.

At almost all the Ports, forts and batteries have of late years been built, with no other view whatever that can be discovered except that of furnishing three or four snug sinecure places in each Port.

The excise and post-offices have at least their due proportion of officers in each of the Cinque-Ports ; but, as Mr. Crewe's bill has disqualified the actual holders of places, it has become necessary to make some small addition to the former number ; this addition has principally consisted of the near relations and dependents of the former freemen.

Another common mode of binding the lower class of freemen to their good behaviour, is, by lending them small sums of money on bond, which, so long as they conduct themselves to the satisfaction of their superior, are never demanded.

In the year 1685, when Charles II. was meditating the destruction of every chartered and corporate body in the kingdom, by the king's special command, all the general charters of the Ports, and most of the private charters of each particular town, were surrendered up to Colonel Strode, the governor of Dover Castle, which were never after returned. Many of the custumals of the Port towns have of late years been purposely destroyed,

or put out of the way ; as they would otherwise have clearly shewn (if suffered to be brought into day) that, in almost all of them, their present government is a direct violation of, and a gross and scandalous usurpation upon, their original and real constitutions ; that the greater part of the inhabitants are defrauded and cheated out of their just rights ; and that the privileges of the many are bartered away, to enable a junto, in each place, to prey upon the vitals of the public, and to fatten on its spoil.

On the destruction of charters and custumals we shall say more, when we treat of each place individually.

The first returns of members of Parliament for the Cinque-Ports (Seaford excepted, which was never originally considered as a member of any of the five, viz. Hastings, Dover, Sandwich, Hythe, and Romney), was, *anno* 18 Edward I. Hastings, Rye, Winchelsea, and Seaford, are in the county of Sussex ; and the other four, viz. Dover, Sandwich, Hythe, and Romney, are in the county of Kent.

Having thus given the above very summary account of the Cinque-Ports in general, we proceed to treat more particularly of the peculiar corruption and mal-practices prevailing in each place individually ; but before we enter upon this history, it may not be improper to inform our readers, that the author, having resided for a considerable length of time among the Sussex Ports, and having been indefatigable in his enquiries into their abuses,

he is enabled, from his own personal observation, to enter more minutely into the practices of corruption in those places, than in most of the others.

DOVER.

DOVER is a sea-port and market-town in the hundred of Bensborough, and lathe of Saint Augustine, Kent, $16\frac{1}{2}$ miles from Canterbury, and 72 from London; containing 3,068 houses and 13,418 inhabitants, being 6,447 males and 6,971 females, of whom 2,207 were returned as being employed in various trades. The market days are on Wednesdays and Saturdays; and the fair is held on the 22d of September, and continues three market days.

REPRESENTATIVE HISTORY.

This port, we find, sent members to Parliament in the 18th of Edward I., though not summoned: in 22, 23, 25, 26, 27, and 29 Edward I., there were no writs directed to the constable of Dover, or wardens of the Cinque-Ports, to elect or send any barons to those Parliaments; only in 27 Edward I., there was a writ of proclamation; in 28th of that reign, there was a memorable writ summoning them, which writ was also issued in the 30th of that reign with an additional proviso. The next writ of summons extant is to the constable of Dover Castle; several other writs of the like nature issued out to the Cinque-Ports, but we find no writs of summons to Parliament issued to the warden or barons of the Cinque-Ports entered

among the other writs of summons to the prelates, barons, and sheriffs of counties, till after the 32d of Edward III., except the 6th year of that king's reign. From 42d Edward III., it has regularly returned. The memoirs of its elections and representatives which we have met with are as follow.

PETITIONS, &c. March 24, 1623. Mr. Glandvyle reported from the Committee of Privileges for Dover—The case thus: two petitions; one by the inhabitants at large, the other by the mayor, jurats, and common-council. Complaints against the return of Sir Richard Young and Sir Edward Cecill. The question was as to the right of election—Committee of opinion, that all the freemen inhabitants ought to have voices in this election; that the election of Sir Richard Young and Sir Edward Cecill is void.

Resolved, upon question, “That the freemen and free burgesses, inhabitants of Dover, ought to have voice in the election of their barons to serve in Parliament.”

Resolved, upon a second question, “That the election of Sir Edward Cecill and Sir Richard Young is void, and that a new warrant shall go out for a new choice, with expedition.”

Feb. 14, 1672. A petition of Thomas Papillon, of London, merchant, complaining of an undue return of Sir Edward Spragg, to serve as a baron for this town and port, by Richard Jacob, esq., mayor of the said town, in injury of the petitioner, who was duly elected, and chosen to serve for this place.

Another petition of the inmates, common-coun-

cil, and freemen of this town and port, complaining of the indirect proceedings and practices of the said Mr. Jacob, the mayor, in relation to the election.

These petitions were not heard this sessions; but,

Jan. 7, 1673. The petition of Thomas Papillon was again renewed.

— 16. Sir Thomas Meeres reported from the Committee of Privileges their opinion, viz.

“That Sir Edward Spragg (then deceased) was not well elected.”

“That Mr. Thomas Papillon is well elected.”

Which resolutions were agreed to by the House, and the return ordered to be amended.

A complaint being made of pressing pilots and seamen, to prevent their votes, and other miscarriages, committed in the election for the port of Dover.

Resolved, &c., “this House will proceed in the consideration of the miscarriages upon the election for this port.

— 22. The matter heard, but no resolution come to.

March 21, 1678. A petition of John Strode, esq., complaining of an undue return made by Mr. Stokes, the present mayor of this port, of himself, to serve in this present Parliament, as one of the barons for this port, in injury of the petitioner, who was duly elected and returned.

April 1, 1679. Sir Thomas Meeres reported the matter of the double return for this port—
“That one indenture between John Strode, esq.,

lieutenant of his majesty's Castle of Dover, on the one part, and the mayor, jurats, and commonalty, of the said town and port, whereby they have chosen, under their common seal, William Stokes and Thomas Papillon, esqrs., to be their barons. The other (between nobody) witnessing, 'that we the mayor, jurats, and barons of the town and port of Dover, in a full hundred there, viz. George West, deputy mayor, John Vaylie, and Aaron Wellard, jurats, five of the common-council, and ten others, styled barons of the said port, have chosen, under the seals of the deputy mayor and seventeen others, Thomas Papillon, gentleman, and John Strode, esq., our com-barons.'"

Whereupon the committee resolved, "That the indenture wherein William Stokes and Thomas Papillon, esqrs., are returned, is well and duly returned, and by the proper officer;" to which the House agreed.

In 1770, John Trevanion, esq., and several of the electors, having petitioned against the election of Sir Thomas Pym Hales, bart., the sitting member was found duly elected.

CORPORATION.

It is governed by a mayor, 12 jurats, and 36 common-councilmen.

RIGHT OF ELECTION.

March 24, 1623. Is in the Freemen and Free-burgesses, inhabitants of Dover. Every son of a freeman, and every person marrying a freeman's daughter, is entitled to his freedom, as is every

freeholder within the jurisdiction of the corporation, besides all those who are made free by redemption, gift, or purchase. We must here observe, that this is the only one of the ports that has preserved any traces of its true constitution. We are, however, of opinion, that by a spirited exertion, the right of the inhabitants might still be recovered in many of the ports.

MARCH 12, 1770. That the *non*-inhabitant Freemen, as well as the inhabitant Freemen and Freeburgesses, of the town and port of Dover, have a voice in the election.

NUMBER OF VOTERS—according to the poll at the last general election, appears to be about 1,200.

RETURNING OFFICER—the Mayor.

PATRON—the Admiralty of one seat; independent as to the other. Mr. Peter Fector has the best interest of any individual in this place, always siding with government, but the popular interest in the town has at the same time increased.

POLITICAL CHARACTER.

This town is properly called the capital of the Cinque-Ports, and stands in nearly the same situation, with respect to the others, as the chief town of a county does with those of less note, the lord warden's court being held here, and the Castle being used as the prison of all the Ports.

The right of freedom is the same here as described in the custumal of Hastings, with the addition of its extending to the husbands of freemen's daughters, as well as to the sons of freemen; free-

holders are also entitled to the elective franchise in this place, which privilege is at this day retained here only; at the other Ports it has long since, by corrupt contrivances and practices, been stifled. The number of voters being upwards of 1,200, they cannot all be provided for out of sinecure places, and revenue officers, as in most of the other Ports; nevertheless, government obtain such a degree of influence from the custom-house, packet-boats, military and naval appointments, &c., as always to nominate one of the members; the other is usually a gentleman in opposition.

Mr. Trevanion, who was first introduced to the electors of this town by the celebrated Charles Churchill, in the days of Mr. Wilkes's popularity, continued in his situation as member for this port, in opposition to all the influence of succeeding administrations, (with only one exception, which was in the year 1784,) till 1806.

When the lord warden is well with government, both the members of this town are ministerialists; but whenever that great officer chances to be in opposition, the Admiralty does not affect to control more than one of the seats, owing to the freemen being more numerous here than at the other Ports. Though the mass of government influence is enormous, this place cannot be considered as in a complete state of subjugation to ministry. We shall content ourselves, therefore, with stating a part only of the patronage of government. Here are six regular packets, besides bye-boats, the officers and crew of which are all voters; two custom-house cutters, three custom-house boats, and

two small vessels, called hovelers or luggers; a custom-house, with a very numerous train of retainers; ten riding officers; the Castle; and two forts. The harbour, with an income of 10,000*l.* a-year, which from the beginning was, and still is, a mere job. An immense extent of fortification, which the master-general of the ordnance is erecting for no other purpose than that of strengthening the hands of government.

In time of peace, the packet-boats passing between this town and Calais, in France, are stationed here; and here the lord warden of the Cinque-Ports is sworn into his office. He can at this place command about 30 votes.

HASTINGS.

HASTINGS, a borough and market-town in the hundred of Baldstow, and rape of Hastings, Sussex, consists of three parishes, containing 542 houses, and 2,982 inhabitants, of whom 407 were returned as being employed in various trades. The herring and mackarel fisheries here give employment to a number of hands, and furnish a good supply to the London market. Its markets on Wednesday and Saturday are well supplied, and its fairs are 26th of July, and 23rd and 24th of October.

REPRESENTATIVE HISTORY.

This Port has returned members from the 42d Edward III. The memoirs we have met with are the following.

PETITIONS, &c. Nov. 4, 1689. A petition of Peter Gott, esq., complaining of an undue return by Colonel Beaumont, he being governor or lieutenant-governor of Dover Castle, and to whom the writ was directed, and hath returned himself, though not regularly chosen.

Mr. Grey reported the matter, "That the petitioner insisted there had not been due notice of the election, and violence had been offered to several voters for the petitioner, by which many who would have voted for him were hindered from voting; and submitting, whether Colonel Beaumont, being governor of Dover Castle, could be returned for this Port."

Upon the poll, Colonel Beaumont had 35—the petitioner 32.

Witnesses were examined as to threats, bribery, &c.; and Jenner said his life was threatened, if he did not vote for Colonel Beaumont. Lovel owned, when he was mayor he gave notice of the election for the next day, but was threatened to be killed if he voted for Mr. Gott. Carswell and Bates said they were also threatened; and Sargent said he voted for Colonel Beaumont, because he was threatened to have his nets cut; and after the election, the mayor and jurats sent him ten shillings.

For Colonel Beaumont it was insisted there was due notice of the election; and Thresher said he gave notice to the freemen the day before the election, as customary; and all the freemen but one were present; and after the election, Colonel Beaumont left ten pounds to be given to poor seamen.

The committee, upon the whole, resolved, "That John Beaumont, esq., is duly elected;" whereto, on a second reading, the House agreed.

April 1, 1690. A petition of Thomas Munns, esq., complaining of an undue return, and shewing that John Beaumont, esq., governor of Dover Castle, pretends to have a power of the several Cinque-Ports, and wrote several mandatory letters to the mayor and chief officers of the Cinque-Ports, requiring them *not* to engage their votes for any particular person, for that his majesty would recommend to them such persons as he should think convenient for them to choose; and, by several menaces and threats, procured several of the electors to vote for him to serve for the port of Hastings, and prevailed with the mayor thereof to elect him.—No report.

Dec. 12, 1698. A petition of Robert Austin, esq., complaining of an undue return of Peter Gott, esq.

Jan 20, 1699. Sir Rowland Gwyn reported the matter as it appeared to the committee. The question was upon the majority of legal votes.

"That upon the poll there were, for Mr. Gott 34, besides the mayor; for Mr. Austin 35, with himself."

"That as to the right of election, Mr. Austin insisted it was in the mayor, jurats, and freemen resiant, that watch and ward."

The counsel for Mr. Gott allowed the right in the mayor, jurats, and freemen, but denied the resiency, or paying to watch and ward; and said they would justify all their votes, and take off one

or more from Mr. Austin ; when witnesses were called.—“ That it appeared to the committee, that Mr. Pulteney, Mr. Gott, and Mr. Austin, were all in the same case as to their freedom, and neither paid to watch and ward.

Upon the whole, the committee resolved, “ That the right of election of members of Parliament for the port of Hastings, in the county of Sussex, is in the mayor, jurats, and freemen, resient, and not receiving alms.”

“ That Peter Gott, esq., is duly elected ;” to both which resolutions the House agreed.

June 3, 1701. A petition of William Ashburnham, esq., complaining of an undue return of John Mounsher, esq., by bribes, threats, and promises.—No report.

May 18, 1784. Sir Godfrey Webster, bart., and Stephen Lushington, esq., petitioned.—No report.

CORPORATION.

By charter of Queen Elizabeth, it consists of a mayor, recorder, and 12 jurats. The corporation is exempted from toll, and has the power of holding courts of judicature in capital cases.

RIGHT OF ELECTION.

January 30, 1698. Is in the Mayor, Jurats, and Freemen, resident, and not receiving alms, only.

NUMBER OF VOTERS—12.

RETURNING OFFICER—the Mayor.

PATRON—Edward Milward, esq., for the Treasury.

POLITICAL CHARACTER.

Before the passing of Mr. Crewe's bill, the appointment of the representatives in Parliament for this town was wholly in the Treasury; the number of voters was usually about twenty, the whole of whom had places under, or were otherwise provided for, by government. The management and conduct of this faithful, and well-disciplined corps of Treasury auxiliaries, was, for a long series of years, vested in Mr. Collier, who, in this situation, acquired a very princely fortune, whereby he was enabled to provide for five co-heiresses, his daughters, in a very handsome manner. Upon his death, Mr. Edward Milward (who had married a Miss Collier, succeeded to this post of agent to the Treasury, and, by way of compensation for the proper discharge of his election duties, was appointed to the very lucrative office of *surveyor-general of the riding officers*; from which post he was removed by the board of customs, notwithstanding the whole interest and influence of the Treasury was exerted to prevent his being displaced.

That this opposition between two such great powers may not appear strange to our readers, we think it necessary to inform them, that at this time the board of customs (owing to change in administration) were in opposition to the lords of the treasury; most of the commissioners, having been appointed under former administrations, felt no very great affection for the present. Mr. Henry Pelham and Mr. Papillon, however, were prevailed

on to retire, and the Treasury regained the favourable opinion of that office.

This loss, however, was made up to Milward, by the appointment of his son to the office of deputy comptroller of the excise, who, on coming of age, was made a jurat; but it was judged expedient to unite also, in his person, in addition, the lucrative office of town-clerk; accordingly, Mr. Thatcher, the old town-clerk, was turned out of his place, to make room for this young gentleman. A trial in the court of King's Bench between these two competitors for office was the consequence; when it was determined,* that a jurat of the corporation of Hastings might be elected town-clerk; but that the two offices are incompatible, and that the acceptance of the latter, though an inferior office, will vacate the former. He has since resigned the office of town-clerk, on getting his more valuable place in the excise, and is now again a jurat; these two places, it is presumed, are not incompatible.

It would be very difficult to pronounce whether, at this time, the Treasury, or Mr. Milward's interest in this borough be the superior; indeed, this point is not likely to be brought to a very speedy determination, as this gentleman invariably sides with the minister for the time being, whose appointees he returns to Parliament upon very moderate terms and conditions, without making any enquiry as to their capacity, or fitness for that situation. In fact, the only indispensable requisite

* First Term Reports, Durnford and East.

is, an ability and disposition to say *yea* and *nay*, according to the mandate of the minister.

At present, the whole patronage of government, in this place, is in the hands of Mr. Milward, who disposes of the various places as he imagines will be most conducive to the common interest of himself and the Treasury. Since Mr. Crewe's bill, it has been necessary to keep up a certain number of freemen, (just enough to go through the farce, and to perform the various ceremonies of an election,) who do not ostensibly hold any place or post under government. These, however, do not go unprovided for; they are, as of course, quartered on such of their brother freemen as are in possession of the more lucrative situations; others, rather than lose their franchises by the operation of that bill, have given up their places to their sons, and other near relations; by which measure the freeman preserves his vote, and the Treasury its influence.

Whatever personal interest Mr. Milward may have at this place, apart from, and independent of, the Treasury, is obtained and preserved by lending small sums of money, on bond, to the more indigent freemen, which obligations are never meant to be enforced, so long as they are, as electors, in a state of passive obedience and non-resistance; but if at any time they should venture to give the smallest indication of an inclination to an independence of opinion and sentiment, the payment of their debts is required, and a prison the certain consequence of the smallest delay.

In a contested election between Colonel Beaumont and Mr. Grey, in 1689, the number of voters

polled was 67 ; in 1698, between Mr. Austen and Mr. Gott, 70. In 1690, a petition of Robert Munns, esq., was delivered to the House of Commons, shewing, that the petitioner was duly elected one of the barons of this port, and ought to have been returned ; but John Beaumont, esq., governor of Dover Castle, who pretended to have a power over the several Cinque-Ports, wrote several mandatory letters to the mayors and returning officers of the Cinque-Ports, requiring them not to engage their votes for any particular person, for that his majesty would recommend to them such persons as he should think convenient for them to choose : and, by several menaces and threats, procured a majority of the electors to vote for him to serve in Parliament for the port of Hastings, and prevailed on the mayor to return him, though not legally elected, to the prejudice of the petitioner ; which petition was referred to a committee to report upon, &c.

We make no comment on the above, but leave the reader to form his judgment of the purity of this borough from a naked statement of facts ; and we will venture to assert, since the time of this petition, that it is in no way amended ; but this by way of sample. From the evidence, on the trial of the *mandamus*, brought by H. Moore, against the mayor and jurats of this town, it appears, that the right to the elective franchise in this place, according to its true constitution, and according to the custumal then produced, is as follows :

In 1736, a writ of *mandamus* was brought by

Henry Moore, to require the mayor, jurats, and commonalty of the town and port of Hastings, to admit him into the place and office of one of the freemen of that town; and the writ sets forth, that he is the eldest son of a freeman, born within the town, after the admission and swearing of his father into the place and office of one of the freemen of the said town and port; and that he has a right, in respect thereof, and also upon paying a reasonable fine, to be admitted into the place and office of one of the freemen of the said town and port.

The above was the matter at issue for the jury.

Lord Hardwicke, who was then the lord chief justice of the court of King's Bench, in summing up the evidence, said to the jury :

“ The point insisted on by the plaintiff's counsel, and the first thing produced, to be considered by you, is a book, in which is an ancient entry of the custumal of the Five Ports and their members, the time whereof the memory of man is not to the contrary.

“ The evidence relied on for the plaintiff is this, “ concerning the making of freemen, &c., as stated.”

“ After reading these entries, the counsel for the defendants objected, that this was not a particular custumal of Hastings, and therefore not so conclusive. But Hastings, in the *mandamus*, is said to be one of the Five Ports. “ They have given evidence of three different species of persons admitted under this right.”

“ The first is, where persons were admitted as

eldest sons of freemen, born within the borough, and after the swearing and admission of the father. The next is, where admission has been of eldest sons, born within the borough, but it does not appear whether before or after the admission of the father. And, the third species of persons, who were admitted as the sons of freemen in general; but they have not shewn that they were born in the town, or after the father's freedom.

“ For the defendants, the gentlemen on the other side insist, there is no right at all to freedoms in this borough; but that all admissions depend upon the will and pleasure of the mayor and jurats; that they may admit or refuse a stranger or a son just as they please. And they insist, that if there be such a right, that it is restrained by these two qualifications, of being born in the town, and after the swearing and admission of the father.

“ And another qualification insisted on by the defendants is, that he should be resiant within the borough.

“ Gentlemen, the matter of law which will arise, if you are of opinion that there is such a custom, will be, whether the fine be a reasonable fine, as the plaintiff has laid it, or whether this is a certain fine of 6s. 8d.?

“ The first evidence that has been produced for the defendants, is an old book, in which there are entries of an old custumal, and a bye-law, dated the 12th of April, 15 Elizabeth, by which it is decreed, “ That if any freeman, now, or at any
“ time hereafter, an inhabitant of this town, shall

HASTINGS.

“ depart or dwell out of the town, by the space
“ of a year and a day, he or they, so dwelling
“ out of the town, shall lose his or their freedom
“ for ever.” I own I do not know so extraordinary a custom any where, for a man to have a right to be admitted a freeman who was not resident, and yet the corporation could disfranchise a man for non-residence.

“ But this bye-law will not be of much weight one way or the other. It only shews the act of the corporation, to disfranchise any person that goes out of the borough.

“ They have also produced, for the defendants, another book, in which, they say, is contained the usage of Hastings, time out of mind, and they have read out of it an entry, in old French; the purport of which is, “ That if a foreigner resides
“ in Hastings a year and a day, he may come before the bailiff and jurats, and be admitted to the
“ freedom, upon taking an oath.” The witness who read this, swore, that there was no other evidence in the book, relating to the making of freemen.

“ They read this to shew, that there is no right of freedom at all in this borough, if a stranger, who has lived in the town a year and a day, may come before the bailiff and jurats, and they may admit him, upon taking an oath.

“ The next evidence the defendants have produced, is from entries of admission of the sons of freemen, without mentioning that they were either eldest or youngest sons; and they only shew, that

the fact is, that other sons, as well as eldest sons, have been admitted for a fine of 6s. 8d.

“ It will be proper, therefore, for you, gentlemen, to consider,

“ First, If you believe, on the evidence, that there is no right in the son of any freeman to demand his freedom of the mayor and jurats, but that all depends on their pleasure; but, if you believe that there is a right in the son of a freeman, and that the mayor and jurats cannot deny him his freedom, then you will consider, whether the two qualifications, of being born in the borough, after the freedom of the father, are necessary or no?

“ If you believe they are not necessary, but that, whether he be born in or out of the borough, or before or after he was made free, makes no difference; in that case you must find for the defendants.

“ But if you believe a right in the sons of freemen, and that being born in the borough, and after the father's freedom, are essential, then you will consider the matter of residence.

“ And, if you believe residence not necessary, then you must find a verdict for the plaintiff.

“ But, on the other hand, if you believe being born in the borough, and after the father's freedom, are not necessary; or, if necessary, that it is equally necessary that the persons should be resident, then you must find a verdict for the defendants.”

Verdict for the plaintiff.

Foreman. “ We find that the eldest son of a

freeman, born within the borough after his father's freedom, has a right."

Lord Hardwicke. "What do you find as to the commorancy?"

Foreman. "My lord, we find residence not necessary; and that the eldest son, born within the borough after his father's freedom, has a right, upon paying a customary fine."

Lord Hardwicke. "What do you find the fine?"

Foreman. "We find the fine to be 6s. 8d. and that fine is reasonable."

Lord Hardwicke. "That point of the reasonable fine must be saved for the opinion of the court, and let the *postea* stay."

We should here observe, that Moore was completely successful upon this occasion. It is true, that he claimed his freedom merely as an eldest son; but the same evidence by which he availed himself, went the full length of establishing the right of every other son of a freeman to his freedom.

The verdict, given by the jury upon this occasion, came under the review of the court of King's Bench, as appears from Strange's Reports, 1070, which, after solemn argument, was confirmed by the unanimous determination and sanction of the judges.

We wish, in a very particular manner, to draw the attention of the reader to this very important trial, as it not only clearly and satisfactorily demonstrates what was originally, and what ought

still to be, the constitution of Hastings, but throws great light upon the true constitution of the rest of the Cinque-Ports, notwithstanding the usurpations and corruptions which in these latter days prevail, more or less, in all of them.

In the course of the Seaford contests, it became important to some of the parties to inspect this custumal; and a rule was accordingly obtained from the court of King's Bench for that purpose; but lo! it was missing, and not to be found! Through fear that some future claimant of a freedom should attempt to accomplish and perfect what Moore left undone, it was thought expedient to commit this highly important and venerable record to the flames. But notwithstanding this destruction of it by fire, we congratulate the public, that the most material and consequential part of it has been preserved in the State Trials, by reason of the *mandamus* brought by Moore. Of which custumal Jeake makes mention, page 35 and 123.

By the last determination of the House of Commons, which took place in the year 1698, it appears, that the right of election of members of Parliament for the Port of Hastings, is in the mayor, jurats, and freemen, resident, and not receiving alms. But here arises a very important question, which is, who are entitled to be freemen? Mr. Milward contends, that only the first born son of a freeman, and such as are annually nominated by the mayor; we have very little scruple to say, that if this question should ever be fairly brought before an impartial committee of the

House of Commons, we have no doubt but that the determination would be, that the right of freedom is according to the custumal above set out.

Government have at this place a custom-house; a custom-house boat, under pretence of watching the smugglers, the crew of which are all landmen, but taken from amongst the freemen; an Ordnance fort, of no utility whatever; and an establishment of twelve riding officers; besides the usual retainers of the excise and of the post office.

A complaint was exhibited to the commissioners of the customs against the patron of this borough, by the town-clerk, in 1787, for quartering freemen, at five, ten, and twenty pounds a year each, upon the revenue officers of this port; in which complaint were specifically mentioned the names of Bevins, Hide, Meadow, Bourne, and others, who had paid such sums. A copy of this memorial is now in our hands, which we will take good care of, as it may hereafter, in common with similar proofs in our possession, be a subject of more serious enquiry.

We must not omit to add, that it was in consequence of this complaint, that the elder Mr. Milward was deprived of his place of surveyor-general of the riding officers by the board of customs.

SANDWICH.

SANDWICH is a borough, and market-town, in the hundred of Eastry, and lathe of St. Augustine,

Kent, containing with its dependencies, 1,287 houses and 6,506 inhabitants, viz. 2,966 males, and 3,540 females, of whom 1,000 were employed in various trades. The market days are Wednesdays and Saturdays, and it has a fair the 4th of Dec.

REPRESENTATIVE HISTORY.

This port first returned when Dover did, the memoirs relating to its elections that we have met with are as follow :

PETITIONS, &c. March 22, 1620. Sir George Moor reported for this borough: the borough standeth of a mayor, jurats, and commons. By an order of Lord Cobham Warden, confirmed after by the lords of the council, the mayor and jurats only to make the elections. Now the commons thereupon debarred from giving their voices in the election, with threatening of imprisonment. That the committee of opinion, that the choice of Sir Edward Sandsfull by all; Sir Robert Hatton, chose by the mayor and jurats, not by the commons. He never knew it till he received the town seal, and was required to come and take his oath. That the commons intended to choose Mr. Burrowes, but did it not. That the committee held the election of Sir Robert Hatton void, and no choice of boroughs. A new writ by their opinion.

Upon question resolved, the election of Sir Robert Hatton for this borough, not due.

Sir D. Diggs, That Mr. Borowghes the prosecutor of this against Sir Robert Hatton now questioned; therefore to have the writ forborn, till he cleared.

Sir Wm. Heale and Mr. Brook, contra. To give them free choice, without taking notice of Mr. Boroughes.

March 24, 1689. A petition of John Mitchell, esq., complaining of an undue return of Mr. Brent, by bribery, threats, and other undue practices.

Oct. 6, 1690. Another petition of Mr. Mitchell same as former.

— 31. Mr. Grey reported the matter from the committee as it appeared to them. The right of election was agreed to be in the freemen inhabiting within the said port, and the numbers on the poll were,

For Sergeant Thurbarne 225—Mr. Brent 124—Petitioner 114.

Mr. Sergeant Thurbarne's election was not questioned; but the petitioner invested that, of those who were for Mr. Brent, four were made free after the teste of the writ: though three of them were entitled by birth: that one was no inhabitant within the port: that five others were servants: that 30 and odd were alms men, or received a charitable donation.

It appearing to the committee, that freemen in general had always voted at elections of Parliament men for this port, the committee resolved,

1st. "That the freemen of this port, inhabiting within the said port, although they receive alms, have a right to vote in electing barons to serve in Parliament.

"That Edward Brent, esq., is duly elected."

The first resolution being twice read, was dis-

agreed to; and the second agreed to by the House.

Nov. 25, 1695. A petition of Thomas Thurbarn, sergeant at law, complaining of an undue return of Edward Brent, and John Taylor, esqrs.

Jan. 31. Mr. Granville reported from the committee the matter upon the said petition. The committee had examined the merits of the election, and the poll was,

For Mr. Taylor 219—Mr. Brent 169—Petitioner 147.

For the petitioner it was insisted, that many of Mr. Brent's votes had been gained by ill practices.

Ralph Goodchild said, about a month before the election, at the desire of some of Mr. Taylor's friends, he went to Mr. Taylor's house, with an account of what men they thought would engage for him: and that Mr. Taylor said to him, (and as he believes Mr. Paramour, Mr. Mandy, and Mr. Gregg were by,) that he heard some got places of profit by being Parliament men, and that if the town chose him, and he got any, he would give the half to the corporation, and 20*l.* a year to the poor; and give the corporation a treat on the day he was chosen yearly: that Mr. Taylor bid him speak of it; and he did accordingly make use of it to persuade several to vote for Mr. Taylor, and said he believes he saw bills of charges of 300*l.* on Mr. Taylor's account; and that Mr. Cricket was Mr. Taylor's agent.

Twisden said, that Mr. Taylor, the day before the election declared, Mandy being present, if he

got a place of 1,000*l.* or 500*l.* a-year, as he hoped he should, or whatever it was, he would give one half to the town, and Mr. Cricket said he would give his bond, that Mr. Taylor should expend 40*l.* or 50*l.* yearly upon the town, and give 20*l.* yearly to the poor.

John Chapman said, Cricket declared, that Mr. Taylor had promised, and he Cricket would give his bond as before testified, and that on account of his voting for Mr. Brent, Cricket had received forty shilling of Ricksey, and paid it in part of 7*l.* owing from him to the sergeant; but owned Cricket was bound with him for it.

Clarke, Jenkinson, and Stone, said, that a letter was read as from Sir Cloudesly Shovell; by which they pretended, that all the seamen, who would not vote for Mr. Brent, should be pressed: Ricksey and others were present; and some seamen were scared out of the town by it.

John Vatchelor said, Broderly who voted and made interest for Mr. Brent offered him two half-crowns to vote for Mr. Brent, and Ricksey and Fisher were by; and he was threatened to be ruined, because he would not vote against the sergeant.

The town clerk said the sergeant excepted to the five last votes; and said, the hospital men might be polled as well as these.

The committee resolved,

“That Edward Brent and John Taylor, esqrs., are duly elected; whereto (upon the second reading) the House agreed.”

Feb. 14, 1700. A petition of John Mitchell, esq., complaining of an undue return of Sir Henry

Turnese, and John Taylor by bribery, and other illegal practices, and stating that Sir Henry Turnese being one of the present sheriffs of London and Middlesex, and concerned in managing several aids granted to his majesty by Parliament is incapable of serving in Parliament.

— 19. The House proceeded to consider what members are concerned in the clause of the act, made in the 5th and 6th years of the reign of his Majesty and the late queen, disabling persons to be members of Parliament, and the clause was read :

And Sir Henry Turnese a member of this House being charged to be one of the trustees for circulating Exchequer Bills, and that he acted under the trust since he was a member, to which the said Sir Henry Turnese being heard in his place acknowledged that he was one of the said trustees ; and that he acted under that trust, since he was a member, but conceived himself not to be within the clause, as being concerned only for the subscription money.

Resolved, “ That Sir Henry Furnese, knt., a member of the House of Commons, having since his being elected a member of this present Parliament, been concerned, and acted, as a trustee for the circulating Exchequer Bills, is guilty of a breach of the act made in the 5th and 6th years of his majesty and the late queen ; entitled, an act for granting to their majesties certain duties upon salt, and upon beer, ale, and other liquors, &c.

Resolved, “ That the said Sir Henry Furnese be for the breach of the said act, expelled this House.”

1807. Colonel Morgan petitioned against the return of Captain Rainier; sitting member duly elected."

CORPORATION.

By a charter dated in the year 1685, it consists of a mayor, recorder, twelve jurats, and twenty-four common-councilmen.

RIGHT OF ELECTION.

In the Freeman resident and non-resident. The freedom is obtained by birth-right, apprenticeship, and by marrying the daughter or widow of a free-man.

NUMBER OF VOTERS—about 500.

RETURNING OFFICER—the Mayor.

PATRON—the Admiralty.

POLITICAL CHARACTER.

This is the only Cinque-Port, except Dover, which has the least claim to independence, and that arises from the extensive number of its electors. Sandwich has for many years been ranked as an admiralty borough, from the influence of innumerable places, and the emoluments which the voters hold under the patronage of that board, and has been generally represented by two members of their nomination; but at the general election in 1784, the late Sir Horace Mann, who was at that time in opposition to government, became a candidate against Lord Parker, comptroller of the King's household, who was at that time supported by the admiralty in conjunction with Mr.

Stephens the secretary to that board, and was successful, as will appear by the following state of the poll, the numbers being,

For Philip Stephens, esq. 474—Sir Horace Mann 311—Lord Parker 290.

At the general election in 1807, the late Admiral Rainier opposed the joint interest of the admiralty and the Lord Warden, and was elected by a majority of more than two to one.

The late Colonel Morgan who had been an unsuccessful candidate in opposition to Captain Rainier upon the death of his uncle, had canvassed this borough in opposition to the admiralty at the last general election in 1812, and obtained a promise of support from a great majority of the freemen, but he unfortunately died before the last Parliament was dissolved, and the gentlemen recommended by government were unanimously elected.

The late Sir Philip Stevens, secretary to the admiralty, represented this town in eight successive Parliaments for a period of more than forty years. The voters were bound to this gentleman by every tie of gratitude, as there is scarcely a single family connected with Sandwich, which has not been provided for by him in the admiralty, navy, or marines.

There is at this place a harbour with a large revenue, a mere job; a custom-house; custom-house cutter; two custom-house boats; a fort; two castles, in the neighbourhood, officered by freemen, and ten riding officers. Any owner of a vessel or hoy, being a freeman, may have his ship

taken into the service of the admiralty, upon application ; at this time seven vessels are so engaged.

The members belonging to this town are, Fordwich, about two miles north-east of Canterbury ; Deal, which lies to the south of Sandwich ; Walmer, which lies to the south of Deal ; Ramsgate and Serre, two towns in the Isle of Thanet ; Stour, on the other side of the Stour, opposite to Sandwich ; and Brightlingsey in Essex.

HYTHE.

HYTHE is a market-town in the parish of Saltwood, Kent, $11\frac{1}{2}$ miles from Ashford, and 67 from London ; containing 224 houses, and 1,446 inhabitants, of whom 198 were returned as employed in trade. It consists chiefly of one long street.

REPRESENTATIVE HISTORY.

This port returned members to Parliament, *anno* 42 Edw. III., was made one of the Cinque-Ports by William the Conqueror ; and was incorporated by a particular charter granted by Queen Elizabeth. The memoirs relating to its elections which we have met with are as follow :

PETITIONS, &c. Feb. 22, 1672. A petition of Edw. Hales, esq., complaining of an undue return made by the mayor of Hythe, of a baron to serve for this port, in the room of Sir Henry Wood, deceased ; whereas the petitioner was duly elected to serve.

March 22. Resolved, "That as to all matters of elections and privileges, the committee be discharged from sitting till after the recess, except as to the matters between Sir Leoline Jenkins, and Mr. Hales, for the port of Hythe; and between Mr. Herne and Mr. Childe, for the borough of Dartmouth; but they were not heard this sessions."

Jan. 7, 1673. Mr. Hales presented his petition, again complaining of several undue practices of Robinson Blanelace, mayor of Hythe, in excluding several freemen of the said port who had declared for the petitioner from giving any voices at the election, and in returning Sir Leoline Jenkins to serve as a baron for the said port, in wrong of the petitioner, who was duly elected for this port, and ought to have been returned.

Feb. 6. A petition of the mayor, jurats, and council, of this port, was read. A certificate under the names of certain persons, as electors, against the petition.

Ordered: "That the hearing of the matter of the election of this port be put off for six weeks from the time already appointed. The Parliament soon after was prorogued, and did not meet to do business till April 13, 1765, when the petition was again lodged, but no notice taken of it until

April 28. Sir Thomas Meres reported from the Committee of Privileges and Elections the evidence and state of the case touching the election of members to serve in Parliament for this port, and a vote of the committee thereupon, viz.

"That Sir Leoline Jenkins is duly elected:"

which was then agreed, and resolved by the House.

June 3, 1685. The House being informed that Mr. Julius Deeds, mayor of the borough and port of Hythe, hath returned himself a baron to serve in Parliament for the said borough and port.

Ordered: "That the said Mr. Deeds have notice to attend in his place to-morrow at ten o'clock."

Mr. Deeds attending in his place, and giving the House some account of the election, and it appearing to the House that Mr. Julius Deeds was mayor of the town and port of Hythe, in the county of Kent; and the precept was directed to the mayor, jurats, and commonalty of Hythe, and that Mr. Julius Deeds is returned by indenture from the mayor, jurats, and commonalty:

Resolved, *nem. con.*, "That Mr. Julius Deeds is not duly elected a baron to serve in this present Parliament for this town and port:" and a new writ was ordered, &c.

Nov. 27, 1708. A petition of Sir Philip Boteler, bart., complaining of an undue return of John Fane, esq., by Henry Deeds, esq.

Ordered: "That it be heard at the bar on the 30th of April next."

Nov. 18, 1709. A petition of the said Sir Philip Boteler, the same in substance was read, and referred to the Committee of Privileges and Elections to examine the matter, and report the same, with their opinion.

Dec. 21. Petition withdrawn.

— 23. Ordered: "That Mr. Speaker do

issue a warrant for a new writ for electing a baron to serve in this Parliament for this port, in the room of the Honourable John Fane, esq., who accepted of an employment under her majesty.

Dec. 1, 1710. A petition of John Boteler and William Berners, esq., complaining of an undue return of Lord Shannon and John Fane, esq., by treating and other undue practices, and also partiality of the mayor.

Jan. 27. Mr. Freeman reported from the said committee the matter as it appeared to them :

“ That the question was, whether the right of election is in the mayor, jurats, common-council, and freemen ; or in such of them only as inhabit in the said port, who paid scot and lot.”

Witnesses were heard, and the committee resolved :

1st, “ That the right of election of barons to serve in Parliament for this town and port is in the mayor, jurats, common-council, and freemen.”

The poll was, for Lord Shannon 20—Mr. Fane 19—Mr. Boteler 15—Mr. Berners 14.

The petitioner's counsel insisted on adding two, who demanded their freedom, and were refused—one of these was qualified.

The petitioners excepted to four of the sitting members, as not having received the blessed sacrament : but it appeared two had received it.

They then went on to disqualify several other of their votes for treating and bribery : and called Carter, who said the mayor went from house to house with his staff, to solicit votes ; and treated the whole corporation, on the 28th of Sep-

tember last, at Kennet's house ; and he then solicited votes for Lord Shannon and Mr. Fane : the invitation was four or five days before ; and the mayor paid above 40*l.* for the dinner ; and the petitioner and Mr. Boteler were there.

Broughton and Pudman were heard as to treating ; also Godden, who said Mr. Bagnal, a minister, promised to lend him 20*l.* or 30*l.* for two or three years, without interest, if he would vote for Sir Philip Boteler's interest.

Sparks said Mr. Bagnall offered him one of the best bullocks in Romney Marsh to vote for Mr. Boteler ; and that Mr. Bagnall was one of his best customers, and he lost him for voting for the sitting members. The committee resolved :

2d, " That Lord Shannon is duly elected."

3rd, " That John Fane, esq., is duly elected."

The first resolution, in regard to the right of election, was, upon being twice read, agreed to by the House. The other two resolutions, being read twice, were disagreed to.

Resolved : " That John Boteler and William Berners, esqrs., are duly elected." And,

Ordered the return to be amended.

CORPORATION.

By charter of corporation, granted by Queen Elizabeth, it consists of a mayor, 12 jurats, and 24 common-councilmen.

RIGHT OF ELECTION.

Jan. 27, 1710. Is in the Mayor, Jurats, Common-councilmen, and Freemen.

NUMBER OF VOTERS—126.

RETURNING OFFICER—the Mayor.

PATRON—the Treasury.

POLITICAL CHARACTER.

The bailiff of this port was appointed by the Archbishop of Canterbury, till the 31st year of Henry VIII., when the archbishop exchanged the manor of Saltwood, together with the bailiwick of Hythe, with the king, for estates elsewhere. After which a bailiff was appointed annually by the crown, till the reign of Elizabeth, who, in the 17th year of her reign, granted it a particular charter of incorporation, by the name of mayor, jurats, and commonalty, under which they still continue to be governed.

The corporation, out of whom are chosen two chamberlains and a town-clerk, with the assistance of 90 freemen, making in the whole 126, elect the two members; out of which number, only *twenty-two* are residents; the remaining hundred and four being dispersed over different parts of the country.

The charters of this corporation, as well as those of the other Cinque-Ports, were, in 1685, by the arbitrary command of Charles II., surrendered up to Colonel Strode, then governor of Dover Castle, and were never afterwards returned; but they are supposed to be in possession of government at this moment.

The influence of this place is not so easily managed as the insignificant corporations of Rye, Winchelsea, Hastings, Seaford, or Romney. One hundred and twenty-six electors, five-sixths of

whom are not immediately under the control or persecution of a treasury agent, cannot be trained to the word of command so easy as a dozen custom-house officers, or pensioners, upon the emoluments of the sinecures. By one contrivance or other, however, government generally succeed in having both members constant in its interest.

The corporation of Hythe is under the absolute direction of Mr. Robert Tournay, an attorney, who is every other year chosen mayor; and, in spite of legal incapacity, unites with the office of chief magistrate that of town-clerk, thereby consolidating the master and servant in the same personal agency; but, as pluralities of livings, as well as places, are sanctioned by the example of church and state, we must not suppose that the emoluments arising from the ministerial duties of one office can influence the judicial department of the other.

The interest amongst the electors is nearly equally divided between government and Mr. White, one of the present members. Mr. Alderman Sawbridge attempted the establishment of an independent interest; but, while the representation remains in its present debilitated form, such exertions, though they might succeed on a single occasion, can neither give permanency nor security to the freedom of election.

NEW ROMNEY.

NEW ROMNEY is a borough and market-town, in the lathe of Shepway, Kent, containing 122 houses and 755 inhabitants. The chief trade is the grazing of cattle on Romney Marsh, in the middle of which, on a hill, stands the town. The market is on Thursdays; and it has a fair 21st of August.

REPRESENTATIVE HISTORY.

This Cinque-Port first sent members to Parliament when the others did. The memoirs relating to its elections we have met with are as follow :

PETITIONS, &c. In 1710, John Brewer, esq., petitioned.—No report.

1728. John Essington and David Papillon, esqrs., were declared not duly elected.

1735. Sir Robert Austen, bart., and George Furnese, esq., petitioned.

1736. The petition was discharged, at the desire of both parties, and a new writ ordered in the room of D. Papillon, esq., who made his election for Dover.

CORPORATION.

By charter of Queen Elizabeth, it ought to be governed by a mayor, 12 jurats, and 26 common-councilmen.*

* See the Appendix to the 10th vol. State Trials, in which are two trials containing much information on this corporation.

RIGHT OF ELECTION

Is in the Mayor, Jurats, and Commonalty.

NUMBER OF VOTERS—Eight; the rest of the freemen being disfranchised by Mr. Crewe's bill.

RETURNING OFFICER—the Mayor, who is alternately Mr. Coates or Mr. Walter, Sir Cholmondely Deering's agents.

PATRON—Sir Cholmondely Deering.

The number of places in the possession of the patron's friends, *and their relations*, renders the return of Treasury candidates an indispensable duty.

POLITICAL CHARACTER.

This place enjoys the same exclusive privileges with the other Ports; in addition to which it had a charter of incorporation from Edward III., by the style of the Barons of the Port of New Romney; afterwards by that of jurats and commonalty; and lastly, by Queen Elizabeth, in the fifth year of her reign, by the style of the mayor, jurats, and commonalty; at which time, by letters patent, she ratified all the privileges they had enjoyed in the reign of Edward the Confessor, or at any other time. By the *forms* of this charter, the corporation is governed at this time; but the charter was seized, by order of King Charles II., in 1685, by Colonel Strode, and has never been returned since.

The corporation should consist, according to that charter, of a mayor, 12 jurats, 26 common-councilmen, and an indefinite number of freemen; but, as the patron of this, as well as the other **Cinque-Ports** and boroughs, find a convenience in

not supplying the vacancies as corporators fall off, eight are deemed sufficient to exercise the same constitutional powers in this borough, which is deposited with three only at Winchelsea, and with six individuals at Rye.

Sir Cholmondely Deering has, by a very simple method, possessed himself of an influence in this port, not easily to be rendered insecure. His property in the neighbourhood is tenanted out, *without lease*, at *very easy* rents, to the electors ; who, feeling that gratitude which never fails to inspire those immediately interested in the present possession of a good thing, could not be so ungenerous as to oppose the inclination of a passive landlord, in so *trifling* a concern as that of the election of a member of Parliament.

WINCHELSEA.

WINCHELSEA is a borough, market-town, and parish, in Sussex, containing 105 houses and 627 inhabitants. The streets stand at right angles, and are divided into 32 quarters. It has a trifling market on Saturday ; and a fair on the 14th May.

REPRESENTATIVE HISTORY.

This place sent burgesses to Parliament at the same time as the other Cinque-Ports. The memoirs relating to its elections, which are in the Journals, are these :

PETITIONS, &c. March 3, 1623. Mr. Gland-

vyle offered a report for this town, on complaint of Sir Alexander Temple, concerning illegal proceedings of Paul Weyman, the mayor, when he was accused of threatening and terrifying some of the voters, and of unlawfully excluding others from giving their votes, and of other corrupt and indiscreet practices.

Resolved upon the question: "That Mr. Finch is not duly elected."

Resolved: "That the mayor of Winchelsea is convicted of the offences complained of in the petition, hath committed a contempt and misdemeanor against this House, and that he be called in and heard before sentence."

— 20. The mayor of this town brought to the bar, and on his knees severely reprimanded, and sentenced to be committed to prison under the custody of the sergeant at arms, for a certain time, and afterwards to make submission on his knees, at the bar of the House of Commons, and again at Winchelsea in court, before the jurats and freemen.

May 28, 1624. Mr. Glandvyle reports for this town—The mayor there an intruder: disfranchised several persons that stood for Sir Alexander Temple.

Committee clear of opinion, that the election of Mr. Finch good.

Resolved: "That Mr. John Finch was duly elected."

Oct. 16, 1666. A petition of Baptist May, esq.

Jan. 9, 1667. Sir Job Charleton reported from

the Committee of Elections touching the elections for this port between Mr. May and Mr. Austin.

Upon the petition it appeared, that the mayor of this town had not taken the sacrament, according to act of parliament, and therefore committee of opinion, "That the return made by the mayor of the election of Mr. Austen was not good, but the election void."

Which being debated, and the question put, to agree with the committee, that the return made by this town of the election of Mr. Austen to serve for that place was not good, but the election void. The House disagreed with the committee; and,

Resolved: "That Mr. Austen was duly elected."

Feb. 6, 1677. A petition of Creshield Draper, esq., but not being signed by the petitioner, it was withdrawn.

— 7. A petition of Creshield Draper, esq., complaining of an undue return of Sir John Banks.

March 7. Sir Thomas Meres reported from the committee the state of the election for this port, and two votes of the committee.

1. Resolved: "That Sir John Banks is not duly elected."

2. "That Chreshield Draper, esq., is duly elected."

Which two resolutions were agreed to by the House.

Feb. 13, 1700. A petition of Robert Austen, esq., complaining of an undue return of Thomas Newport, esq., a commissioner of the customs,

and unknown to the electors, and Robert Bristow, esq., by one Edward Martin, contrary to law, he being an officer in the customs, and taking upon himself the office of mayor, although the jurats of the said town pressed him to return the petitioner and Mr. Hayes.

— 17. A petition of John Hayes, esq., to a similar effect.

— 27. The House proceeded to the hearing the merits of the said election; and the counsel were called in on both sides, and were heard, and divers witnesses examined.

Resolved: "That Thomas Newport and Robert Bristow, esqrs., are not duly elected."

Resolved: "That Robert Austen and John Hayes, esqrs., are not duly elected."

Declared: "That the late election of members to serve in this present Parliament for this town and port is a void election."

Resolved: "That John Dunmall, agent of Robert Bristow, esq., is guilty of bribery in the late election of members to serve in this Parliament for this town and port."

Ordered: "That the said John Dunmall be, for his said offence, taken into the custody of the sergeant at arms attending the House."

Resolved: "That Mr. Edward Martin, mayor of this town and port, is guilty of threats and indirect practices, in order to procure an election of members to serve in this present Parliament for this town."

Ordered: "That the said Mr. Edward Martin

be, for his said offence, taken into the custody of the sergeant at arms attending the House."

Ordered: "That no writ do issue this sessions for electing any members to serve in this Parliament for this town and port."

Resolved: "That an humble address be presented to his majesty's most honorable privy council, that he will order that the said Edward Martin be turned out of all his employments in his majesty's customs."

Nov. 4, 1702. A petition of Robert Austen, esq., complaining of an undue return of James Hayes made by the mayor of this town, by divers undue practices.—No report.

Dec. 1, 1710. A petition of William Penn and Richard Jones, esqrs., complaining of an undue return of Robert Bristow, esq., and Sir Francis Dashwood, by bribery, treating, threatening, and other illegal proceedings, and by the mayor, who took on himself the office of mayor, though he was not qualified, not having received the sacrament within the limited time by law.

Dec. 8, 1711. A petition of the said Mr. Penn and Mr. Jones, in substance the same as the former.

Feb. 7, 1712. Mr. Freeman reported from the committee the matter as it appeared unto them—That the right of election was agreed to be in the mayor, jurats, and freemen.

For the sitting members it was insisted, that the freemen who had been absent above 12 months had no right without a re-admission.

And also for the petitioners, that freemen of this port are in the nature of common-councilmen, and ought to qualify themselves, by receiving the sacrament according to the Corporation Act.

The poll was for the petitioners, each 12—sitting members, each 10.

That the matter of the petition as to Mr. Jones was absolutely waved.

For Mr. Penn witnesses were called, and counsel objected to seven votes of the sitting members for not having qualified themselves.

The committee resolved, 1st, "That the freemen of this port are not obliged to qualify themselves by receiving the sacrament according to the Corporation Act."

To prove ill practices to gain votes for the sitting members, Cooper said, Ashdown told him, that he and Giles, sen., who was then present, had 30*l.* each for their votes at the former election, and the women had half a guinea each; that about three or four months before the last election, they complained they had not received their money; but about ten days before the election, Ashdown owned he had received it.

Newman said, Sir Francis Dashwood asked him for his vote, and told him he would use him as well as the others; that he had 20*l.* of Mr. Copeland for his vote at the former election for Sir Francis Dashwood and Mr. Bristow; that he gave his note for the money, but Copeland told him it should never be called for; that when Sir Francis asked his vote in the election, he mentioned the

note to Sir Francis, and said he would not always have it over his head; and thereupon Sir Francis said he could do nothing in it at present, but that he should fare as well as any other man; that Martin is a custom-house officer, and had a letter to direct his vote from the commissioners.

Battle and Hooper spoke as to promises of bribery against Sir Francis Dashwood.

The committee resolved, "That Sir Francis Dashwood, knt. and bart., and Robert Bristow, esq., were duly elected:" to which the House agreed.

Feb. 5, 1728. Sir Arthur Croft, bart., and several electors of the said borough, petitioned, complaining of an undue election and return for the borough of *Leominster*, which was referred to the Committee of Electors, before which committee the said petitioners are now depending; and that the said Sir Arthur Croft, bart., hath since been elected and returned a baron to serve for the port of Winchelsea, upon a late vacancy, and that he hath this day taken his place for the said port.

Ordered: "That a committee be appointed to search precedents, in relation to a petitioner's claiming a seat in this House for one place, and who is afterwards elected for another place pending such petition, and that they do make report thereof to the House; and a committee was accordingly appointed."

Ordered: "That it be also an instruction to the said committee, that they do search precedents in cases of such election, where the first election is

in favour of such candidate controverted upon the petition of the electors, and make a report thereof to the House.

April 16, 1728. Resolved: "That a person petitioning, and thereby claiming a seat in this House for one place, is capable of being elected and returned for another place pending such election.

1741. Edmund Hungate Beaghan and Samuel Jeake, esqrs., petitioned.—Withdrew their petitions.

1768. Sir Thomas Sewell and Richard Burton Philipson, esq., petitioned, but afterwards withdrew the same.

CORPORATION,

When complete, consists of a mayor and 12 jurats; this body seldom, in fact, exceeds four or five.

RIGHT OF ELECTION.

Feb. 11, 1711. The Freemen of the port of Winchelsea are not obliged to qualify themselves by receiving the sacrament, according to the Corporation Act.

According to the old custumal, and the true constitution of the place, every son of a freeman and every freeholder were entitled to their freedom.

NUMBER OF VOTERS—7.

Mr. Martin is allowed two hundred pounds a year for the management of the borough, and for keeping the voters in good order.

It is supposed, that the only good voters in this

place are the elder Martin and Tree ; as young Martin lives in London, and the rest are placemen.

The newly made junto are only fictitiously rated; do not reside, and, on account of divers informalities in their appointment to their freedoms, it is presumed they might be disfranchised with great ease.

RETURNING OFFICERS—the Mayor. The fee of the mayor at an election is two hundred pounds!

PROPRIETOR—Earl of Darlington.

POLITICAL CHARACTER.

Were we to set forth at length, all the instances of corruption, venality and profligacy, that have come to our knowledge in having traced the election history of this borough, it would much exceed the space we can allot to the account of any individual place, in this work. Some of the most remarkable, however, we shall point out, and recite as much at length as our room will admit of. In the year 1623, Paul Wymond, the mayor, having been convicted of threatening and terrifying some of the voters, and of unlawfully excluding others from giving their votes, and of other corrupt and indiscreet practices, was placed at the bar of the House of Commons as a delinquent, and was there severely reprimanded, and sentenced to be committed to prison, under the custody of the sergeant at arms, for a certain time, and afterwards to make submission on his knees, at the bar of the House of Commons, and again at Winchelsea, in court, before the jurats and freemen.

In the year 1702, Mr. Edwards, the mayor, for

the same improper conduct as his predecessor, Paul Wymond, was taken into custody; was reprimanded in the same disgraceful manner; and, in consequence of a resolution of the House of Commons, was turned out of all his places in the customs, notwithstanding every effort was made by the treasury bench, whose tool and creature he was, to protect him from the vengeance of the legislature.

In the year 1702, two petitions were presented against undue returns, on the ground of bribery. In 1711, it appeared in evidence, to a committee of the House of Commons, that Sir Francis Dashwood had paid 30*l.* to each of those who voted for him, besides giving a *douceur* to all the wives and daughters of freemen.

Winchelsea may be considered as having been wholly a treasury borough, till the year 1754, when the late Arnold Nesbit, esq., an Irish gentleman, and till then entirely unknown in this place, was returned by the then minister, the Duke of Newcastle. Mr. Nesbit began immediately to make purchases to a considerable amount of estates within the town, and in the neighbourhood, with a view of securing to himself thereby a control over the borough in future. In this project he succeeded so far, as to establish fully the command over *one* of the seats, and, occasionally, when he chanced to be well with the treasury, over *both*.

About the year 1762, Mr. Nesbit, being at that time in opposition, a violent attack was made by government on this borough, under the auspices

of the late Earl of Egremont, who had a large estate in the neighbourhood, in order to bring it back to its former allegiance to the treasury.—This contest gave birth to the famous Winchelsea causes, set forth at length in the second volume of Burrow's reports. The Nesbit interest was, upon the whole, successful upon this occasion. The Treasury have since made some other rude attacks on the Nesbit interest, in which they have at times so far succeeded, as to return one member.

In the course of these conflicts, which were of long continuance, and of course very expensive, the death of the Earl of Egremont took place, and, in consequence a temporary deficiency of cash; Mr. Wardroper, the treasury agent, who was then in the office of town-clerk, having occasion for larger sums of money to carry on the battle, than it was convenient for government to supply him with, actually pawned the charters, custumal, and all the records of the corporation, with a Mr. Wilson, an understrapper to the minister; at a convenient season, the pledge was redeemed by the treasury, where it was, till very lately, in safe keeping.

Since the transfer of the borough, to the late Mr. Barwell, it is probable that the purchasers, who were entirely at the devotion of the ministry, may have possessed themselves of the instruments and documents above-mentioned, as they, eventually, may be of great consequence; though, upon the whole, if this be the case, it is highly probable, that the fate of the custumal of Hastings, (annihilated by fire) will await the charters and records

of Winchelsea. We pledge ourselves for the authenticity of this anecdote.

The late Arnold Nesbit, esq., having died indebted to the crown, to the amount of nearly 100,000*l.* and otherwise much embarrassed in his circumstances (to which his expenses, at this place, not a little contributed, as he had the character of being a liberal pay-master to his *virtuous* constituents,) a decree for the sale of all his property was made by the court of chancery for the benefit of his creditors. Mr. J. Nesbit then member for Gatton, (conscious that his consequence in this place wholly depended on the estate, which the world had hitherto supposed to have descended to him from his uncle, free from any incumbrance whatever) a very short time before the promulgation of this fatal decree in chancery, entered into a treaty with the Earl of Darlington, and with Mr. Barwell, the nabob, and owner of Tregony, for the sale of this borough. At first a much larger price was required of them than they were willing to give. After many difficulties about the mode of payment and transfer, as with Mr. Nesbitt time was pressing, a bargain was struck, and the price agreed for 15,000*l.* which, considering the present market price, may, upon the whole, be considered as a cheap purchase, especially as immediate possession was given. Taking 5,000*l.* to be the market price at the last general election, the fee of the future good will of the borough stands the purchasers in about 2,500*l.* a piece.

Where the right of voting in a borough depends upon property, as in a freehold or burgage-

hold borough, it is easy to conceive that the seats in Parliament may be merchantable commodities; but, as the elective franchise in this place is not connected with property, but depends upon freedom, it is probable, that in the sale above alluded to, the voters themselves, like so many beasts in a pen at Smithfield, were bartered in the transfer.

But what is not a little curious; it is certain that the bargain was made, and terms fully settled and agreed upon between the parties, without the consent, knowledge, or privity of any one of the voters. They, however, concluded, that their customary fee of a hundred pound per man, would be paid to the electors, either by their present or former owners; in truth, this point had not been properly adjusted between them, and the freemen of Winchelsea were referred from one party to the other, for upwards of two years, without being satisfied in their demands; at length they began to shew some serious signs of discontent, and even of revolt; insomuch, that their present owners thought it prudent to comply with their request, and let them have the long delayed *douceur*.

At the time of the sale of the borough of Winchelsea, the state of the corporation was as follows:

JURATS.

Mr. Thomas Martin, commander-in-chief.

Richard Lamb, his nephew; a riding officer.

Mr. Stace, a riding officer, and has a farm late Nesbitt's, then Barwell's, now the Earl of Darlington's.

FREEMEN.

Benjamin Tree, mace-bearer and chamberlain to the corporation.

—— Stephens, surveyor of customs.

—— Martin, jun. son to the commander.

—— Butler, comptroller of customs ; he, having been in opposition to Mr. Nesbitt, did not constitute a part of the sale.

Since the sale, the following additions have been made to the corporation :

JURATS.

Captain Coffin, brother-in-law, to Barwell.

—— Scholey.

Lord Barnard (son of Lord Darlington) and Mr. Barwell, the then members.

Mr. Douce, partner with Mr. Loyd, the attorney who managed the sale.

——Paddy, an American refugee, living at Windsor.

Perry Coffin, brother to Mrs. Barwell.

A short time previous to the sale, Mr. Nesbit made a lease of all his property in this town, consisting of about fifty houses and tenements, to the members ; which, as it was without the consent of the mortgagees, and other claimants on the estate, cannot be of any validity. As it is necessary that every voter should be rated, to get possession of these houses, either by lease or purchase, was of great consequence. At the sale before the master in chancery, this town lot was knocked down to Mr. Coffin, as agent to Barwell, for 1,200*l*.

a Mr. Hull opened the biddings for the benefit of creditors, who was the best bidder at 3,000*l*. Mr. Barwell, finding that the fate of his borough, very much more than he imagined, depended on securing this lot, made application to the chancellor for a third sale, which request (strange to relate) was complied with.

The Earl of Darlington has now purchased the property which belonged to the late Mr. Barwell, and is become sole proprietor of the borough.

RYE.

RYE is a market-town and parish in the hundred of Gostrow, rape of Hastings, Sussex, 63 miles from London, containing 389 houses 2,187 inhabitants, viz. 960 males and 1,227 females, of whom 307 were returned as being employed in trade. This place is not one of the original Cinque-Ports, but together with Winchelsea was annexed to them before the reign of Henry III. Its markets are on Wednesdays and Fridays; and its fairs on Whit Monday and 10th August.

REPRESENTATIVE HISTORY.

The first return we meet with of representatives for this place was in the 42nd of Edward III.—The memoirs of the elections and members in that respect are these.

PETITIONS, &c. Jan. 22, 1688. A petition of Sir John Austin, complaining of an undue election

and return of barons to serve in this convention for this town.

Jan. 26. A petition of Peter Gott, esq., complaining of an undue election and return of burgesses or barons, &c.

April 1, 1689. Col. Birch reported the matter upon the petition of Sir John Austin, against Thomas Frewen, esq., concerning the election for this town; that the question was, "Whether the right of election of barons to serve in Parliament for this town, was in the freemen that were resident in the town only; or in the freemen of the town that are not resident there, as well as those that are resident in the same."

For the petitioner the counsel insisted, that the petitioner had sixteen unquestionable votes; and Mr. Frewen but twenty-one, but five of them were made by Mr. Crouch and four by Mr. Radford who were not lawful mayors, and consequently they were not freemen: subtracting these from Mr. Frewen's poll there would only twelve remain, and so Sir John would have the majority.

For Mr. Frewen it was insisted that the question was only, "Whether the foreign freemen had a right to vote as well as the residents; and it was not material, whether they were made by a mayor *de facto* or *de jure*."

Dorington delivered in a poll; and said, in all there polled for Mr. Frewen twenty-six, viz. twenty-one resident freemen and five foreign; that he heard there were two others who would have voted for Mr. Frewen, but they did not come in

nor were they polled, the door being shut, (as usual at the elections) but it was not locked ; that he was made free by Mr. Radford.

The oath of freemen was read, whereby they swear to pay scot and lot. Upon the whole the committee resolved :

1st. That the right of election of barons to serve for this ancient town is in the freemen, that are resident in the said town only.

2nd. That Thomas Frewen, esq., is not duly elected a baron to serve in this present Parliament for this town.

3rd. " That Sir John Austin, bart., is duly elected."

The said three resolutions being twice read were agreed to by the House, and the mayor ordered forthwith to attend and amend the return.

March 24. A petition of Caleb Banks and Thomas Frewen, esqrs., complaining of an undue return of Sir John Austin and Sir John Dorrell.

Oct. 6, 1690. The same petition in substance was again read.

Nov. 12. Mr. Grey reported the matter on the said petition thus, " It was agreed the right of election was in the mayor, jurats, and freemen of this port ;" Dorrington delivered in a copy of a poll which he said he took by order of the petitioners, for Sir John Austin 19—Sir John Dorrell 17—the petitioners each 18.

That, as to the exceptions, the matter was thus: there was a dispute between one Thomas Tourney and one Crouch, about the mayoralty of this town; and it was heard before the king and council; and the king determined for Crouch, and commanded

him to go down and act as mayor, whereupon he went down, and called an assembly; and by consent of the majority of the freemen, made several new freemen, six whereof voted for the petitioners. That after the making of these new freemen, Mr. Tourney was, by *mandamus*, restored to the office of mayor; and calls an assembly, in which the freemen, who were made in Crouch's time were disfranchised, as not being admitted according to custom, there being no mayor *de jure* at that time. Afterwards Mr. Tourney called another assembly, where the said new freemen being excluded, he admitted, with the consent of the majority of the old freemen, several others; nine of whom voted for the sitting members.

That one Gribble who voted for the sitting members, was proved to be made free by his father's copy, though his father was discharged by the commissioners for regulating of corporations.

That Tutty and Jeke, sen., who voted for them also, were discharged in like manner. Upon the whole, the committee resolved:

1st. "That Thomas Gribble, Thomas Tutty, and Samuel Jeke, sen., being discharged by the commissioners appointed by the act for regulating corporations, have a right to vote in electing barons to serve in Parliament for this port.

2nd. "That Sir John Austin is duly elected a baron to serve in Parliament for this port.

3rd. "That Sir John Dorrell is duly elected: the said resolutions being twice read were agreed unto by the House.

Oct. 24, 1702. A petition of Edward South-

well, esq., complaining of an undue return of Thomas Fagg and Joseph Offley, esqrs., by partiality of Francis Young the then mayor and other undue proceedings.

Dec. 19, Mr. Bromley, according to order, reported the matter as follows, viz. that the poll was agreed to be thus, for Mr. Fagg 40—Mr. Offley 38—Mr. Southwell 25.—The counsel for the petitioner insisted that the right of election was only in the mayor, jurats, and in the freemen inhabiting in the port, and paying scot and lot.

That the counsel for the sitting members denied residency to be necessary or the paying scot and lot.

That as to the point of residency evidence was given, and not pretended to be contradicted unless in an instance or two, of gentlemen, who had served in several Parliaments for the said port and did not inhabit there, and yet, at the next election after such service, had been allowed to vote. That as to paying scot and lot, the oath of freemen was produced; where among other things, every freeman swears to pay all scots and lots which shall be due, or happen to be due or granted to be levied, within this port.

Afterwards witnesses were called who spoke as to the matter, and the committee resolved:

1st. "That the right of election of barons to serve in Parliament for this port, is only in the mayor, jurats, and in the freemen inhabiting in the said port, and paying scot and lot.

That the right of election being thus settled, the petitioners' counsel excepted against twenty-

three who voted for the sitting members ; five of whom they said were dissenters, (viz. Mr. Joseph Tucker, John Hickmal, John Dixon, Daniel Sandown, and John Wate,) and had not received the sacrament within a year before they were made free ; and therefore were not qualified, according to the Corporation Act, 13 Car. II. to be freemen of the port ; since, by the constitution thereof, all freemen are concerned in the government of it.

To this it was answered, that all the freemen had a right to be summoned to their assemblies ; at which meetings, all matters relating to the government of the port are transacted.

It was urged, that the election for barons to serve in Parliament was not at these assemblies, but at another court, called the hundred court ; and they used to vote there.

It was replied, that the same persons who constituted the court of assemblies, likewise constituted the hundred court ; and that, if they had no right to be members of the one they could not be members of the other, nor consequently to vote there.

That it was further offered for the petitioner, that there were three ways of making freemen for this port, viz. the eldest sons of freemen, born after their fathers were made free, had a right at twenty-one years of age, and might demand their freedom. 2dly. Every mayor might make one. 3dly. Any person might be made free with the consent of the majority of the freemen at an assembly ; but the usage of this port was, that if any person, so put up to be made free, was rejected, he could not be put up again in the same mayoralty.

That several witnesses were called to prove this usage, and no evidence to the contrary, but in the case of Allen Olive, who was rejected, and made free afterwards in the same mayoralty, and to this it was replied, he was made free as the mayor's freeman.

That then evidence was given of four who had been rejected at the last year, and were put up again, and made free in the same mayoralty; and that these four, with the five dissenters, made 13 others free by the majority of their votes, who, it was insisted, were not, therefore, duly made freemen.

One who voted for the sitting members was excepted to for not paying scot and lot.

Then they proceeded to prove indirect practices, and called Osborn and Hicknall, who said Lord Ashburnham came to this town, and treated the freemen about a month before the election, and before the dissolution of the last Parliament; that he then recommended the petitioner to them, and told them that would be the way to have a good harbour, and to have convoys and protections; in which the petitioner, being at court, would be more capable than another to serve them; and said some of their neighbours told them they had protections.

They further said they could except to several who voted for the petitioner, as having not received the sacrament.

Upon the whole the committee resolved:

1st, "That Thomas Fagg, esq., is duly elected."

2d, "That Joseph Offley, esq., is not duly elected."

3rd, "That Edward Southwell, esq., is duly elected."

Which said three resolutions were agreed unto by the House, and the return ordered to be amended.

Nov. 2, 1705. A petition of Charles Fagg and Phillips Gibbon, esq., complaining of an undue return of Edward Southwell and Philip Herbert, esq., by partiality of Mr. Nicholas Mannouch, the then mayor, and other illegal proceedings.

Dec. 4, 1706. A petition of Thomas Fagg and Philips Gibbon, in substance the same with the former.

Jan. 23, 1707. Mr. Compton reported the matter upon the said petition thus:—That upon the poll the numbers were, for the petitioners 19—for the sitting members 21.

That the right of election was agreed to be in the mayor, jurats, and freemen, paying scot and lot, resident within the port, and who had been resident twelve months before the election.

That the petitioners' counsel insisted, that one person who had polled for the sitting members had no right to vote; and six others, who were refused by the mayor, (as not qualified,) ought to be added to the petitioners' poll, which would give them a majority.

That there are three ways of admitting freemen:—1. Eldest sons of freemen, at 21 years of age, have a right.—2. The mayor has a right to name one; and all others are to be proposed by the mayor in the assembly, and approved by

the majority of the freemen present : and thus much was admitted by the petitioners' counsel.

But for the sitting members the counsel insisted, that the freemen assisting at a court of assembly, being in the nature of a common-council, ought to qualify themselves according to the Corporation Act ; and further, that in case any one has been proposed to the assembly to be made free, and refused, he cannot be proposed again in the same mayoralty.

The committee resolved :

1st, "That Edward Southwell, esq., is not duly elected."

2d. "That Philip Herbert, esq., is not duly elected."

3rd. "That Charles Fagg, esq., is duly elected."

4th. "That Philips Gibbon, esq., is duly elected."

The two first resolutions, being read a second time, were disagreed unto by the House."

Nov. 10, 1707. The House being moved, that several clauses in the act of the 4th and 5th years of her majesty's reign, entitled, "An act for the better security of her majesty's person and government, and of the succession to the crown of England in the Protestant line" (relating to disabling several officers to sit in Parliament,) might be read.

The same were read accordingly.

Resolved : "That every person who, by an act of the first session of the last Parliament, entitled, "An act for the better security of her majesty's person and government, and of the succession to the crown of England in the Protestant line," is

disabled, from and after the dissolution or determination of the said Parliament, to sit or vote as a member of the House of Commons, in any Parliament to be thereafter holden, is, by virtue of the said act, incapable of sitting or voting as a member of the House of Commons in this present Parliament.

Ordered; "That the commissioners of sick and wounded do lay before the House a list of the names of the commissioners of the sick and wounded."

Ordered: "That Mr. Speaker do issue his writ for electing a baron to serve in this Parliament for this port in the room of Philip Herbert, esq., he being a commissioner of the sick and wounded since the commencement of this Parliament.

Nov. 25, 1708. A petition of Edward Southwell and John Ashburnham, esq., complaining of an undue return of Philips Gibbon, esq., and Sir John Norris.—No report.

Dec. 1, 1700. Edward Southwell and John Ellis, esqrs., petitioned against the return of Sir John Norris and Philips Gibbon, esq.

Feb. 17, 1711. Mr. Freeman reported the matter upon the said petition:—That the poll was thus:—For the sitting members 29—for the petitioners 17.

That the right of election was agreed to be in the mayor, jurats, and freemen inhabiting in the port, paying scot and lot.

Resolved, 1st, "That four having been proposed to be made free, and rejected, at a court of

assembly, and afterwards made free in the same mayoralty,

That upon this resolution it was admitted that John Dodd, Edward Wilmhurst, and William Chiswell, three other of the sitting members' voters, are not good votes.

That the petitioners' counsel excepted to four others, as being made freemen by a majority of freemen who were dissenters, and not qualified themselves by receiving the sacrament.

2d. Resolved: "That it is not necessary that the freemen of this port should qualify themselves according to the Corporation Act before they are allowed to vote in the assembly-court of the said port."

The petitioners' counsel then excepted to five others.

The committee resolved:

3rd. "That Sir John Norris, knt., is duly elected."

4th. "That Philips Gibbon, esq., is duly elected."

The four several resolutions being read twice were agreed to by the House.

March 3, 1713. A petition of Samuel Lynn and John Chamberlayne, esqrs., complaining of an undue return of Sir John Norris and Philips Gibbon, esq., by Mr. Walter Walters, not a legal mayor, who admitted and procured, by threats and bribery, and undue practices, several persons to vote for the said Sir John Norris and Mr. Gibbon who had no right, and denied several who had an

undoubted right, to vote for the petitioners, and other illegal practices.

March 4. Petition withdrawn.

CORPORATION

Ought to consist of a mayor and 12 jurats ; at present there are only a mayor and four jurats. The office of mayor is constantly filled up by the Lambs, father and son.

RIGHT OF ELECTION.

Dec. 9, 1702. Is only in the Mayor, Jurats, and Freemen, inhabiting in the port of Rye, and paying scot and lot.

Feb. 17, 1710. Thomas Hills, W. W., T. B., and J. Y., having been proposed to be made free, and rejected at a court of assembly, and afterwards made free in the same mayoralty, are not legal freemen of the port of Rye.

It is not necessary that the freemen of the port of Rye should qualify themselves according to the Corporation Act, before they be allowed to vote in the assembly court of the said port.

It appears from the old custumal of Rye, still in existence, that the right of voting formerly belonged of course to every person possessed of a freehold within the corporation, and to every son of a freeman ; there was, besides, a third way of obtaining the freedom of this town, viz. by redemption. But, by the contrivance and manœuvres of the agents of the Treasury, this constitution has of late years been wholly changed. By a determination of the House of Commons in 1702,

(which is the last we find upon the subject), it appears, that the right of election for barons to serve in Parliament for this port, is in the mayor, jurats, and freemen, inhabiting in the said port, and paying scot and lot. But here a great and important question suggests itself: Who are the people that are entitled to their freedom? As to this point there has been no determination.—If this should ever be put fairly in issue, the probable result would be, that the right is, at this day, as set forth in the old custumal, notwithstanding the usurpation and innovations of modern days. At this time the practice is, to admit freemen upon the following grounds only; viz. eldest sons of freemen, at the age of twenty-one are allowed to have a right; the mayor has a right to name one on coming into office; the others are to be proposed by him in the assembly, and approved by the majority of freemen present. From the account given by Carew, of some contested election at this place, it appears, that the number of freemen was, till very lately, about 50; but at present it is found expedient to keep the number much lower, in order that the claimants to a portion of the good things produced by an election may be as few as decency will admit. Should the eldest son of a freeman have the presumption to demand his birth-right of the corporation, if he be a poor man, it is refused him; if he chance to be in a superior situation, he is persuaded, if possible, to be made the mayor's freeman the year ensuing; the object of which manœuvre is, to erase, if possible, all traces of a right to freedom by birth. If the son of a

freeman chance at any time, either before or after his father's admission, to have a brother born before him, and by whose death he becomes the eldest, his right is (ridiculously enough) utterly denied; because, forsooth, he is not the *first born*, which the corporation insist is the meaning of the eldest son.

It is very unusual to make more than the mayor's annual freeman in the course of a year, who is, invariably, a person advanced in years, an old bachelor, or a man not likely to have progeny; by which means the future claims of an eldest son, who perchance might not be so well-disposed to submit to the doctrines of passive obedience as the father, are effectually guarded against.

Poverty is another essential qualification to the office of a freeman of this port. A person in an independent situation of life, might, by possibility, object to some things which are expected of him; but the danger of being turned out of place, or of being called upon to pay the money due from him on bond, compel an indigent man to the most implicit obedience.

It is a very common custom in this, as well as the other ports, to lend small sums upon bond, which are never put in force, unless symptoms of disobedience appear in the obligor; in which case the penalty of the obligation is rigorously demanded; when, if the debt be not immediately discharged, imprisonment is the certain consequence.

NUMBER OF VOTERS—*six*; all made free since

Mr. Crewe's bill ; the rest of the jurats and freemen were all disqualified by that bill.

RETURNING OFFICER—the Mayor.

PATRON—Thomas Davies Lamb, esq., for the Treasury.

POLITICAL CHARACTER.

This is one of those places usually, though somewhat improperly, called a Cinque-Port. It was, with the neighbouring town of Winchelsea, annexed as a member of the Cinque-Ports, generally, (but not of Hastings in particular, as is commonly, but erroneously, supposed,) before the time of Henry III.; in a charter of which king, these two places are denominated *nobiliora membra Quinque Portuum*.—They have enjoyed, from all antiquity, the peculiar appellation of the two ancient towns, and are possessed, in every respect, of equal franchises, immunities, and privileges, with the original Cinque-Ports.

Rye was burnt by the French in the time of Richard II., and again in the 26th of Henry VI., in one of which fires it is supposed that the old records and charters of this town perished, as none older than the 27th of this king, except some fragments, are at this day to be found.

Before Mr. Crewe's bill, this place was, in the strictest sense of the appellation, a Treasury borough, all the freemen, with scarcely an exception, being possessed of places in some revenue department. Since this bill has passed, it has become absolutely necessary to make a small addition to

the usual number of freemen, in order that there may be *some* people duly qualified to go through the formal part of the *farce* of an election to return members to Parliament; all which new-made freemen, who are not ostensibly holders of a place, are quartered upon, and, in a certain degree, divide the profits with, those who are in possession of the more lucrative posts.

At this place there is a custom-house, with a very large establishment; a custom-house boat as it is called, whose crew consists wholly of landsmen, and who are of course all freemen; and seven riding officers in the service of the customs, a cutter is likewise stationed here under pretence of cruising against the smugglers, but in truth, by way of giving additional influence to the Treasury; and here we must not omit to remark, that this vessel is actually employed and paid by the Treasury, and is immediately under its control, though it is usually called a custom-house cutter; there is but one other vessel in the kingdom thus peculiarly circumstanced.

This cutter, which is named the Stag, is commanded by Captain William Haddock, who alone has freemen quartered on him to the amount of 350*l.* a year. However, it is clear that his place will bear this incumbrance, as he is rapidly making a very large fortune. This gentleman, being very active and diligent in his professional pursuits as a revenue officer, the emolument accruing to this vessel by means of its captures from the smugglers, and of its pay from the Treasury, being very large, serves as an inexhaustible fund for the quartering

those freemen upon, who either have no places, or who do not think the ordinary profits of them sufficiently ample.

This town, being situated at a considerable distance from the sea, could not have any particular occasion for fortifications; however, it has been thought expedient of late years to erect a couple of forts, which have of course their proper officers, gunners, and assistants; here arises another opportunity for government influence. In addition to the above, Rye has the usual excise and post-office establishments which take place in other towns.

We must not here omit to make mention of the new harbour of Rye; for the making of which an act was passed about seventy years since. The only real object of which statute was the giving additional force to Treasury patronage and influence. After much labour and expense, the new harbour was wholly abandoned in the year 1778; notwithstanding which circumstance, the enormous tax of two-pence per ton on all vessels of this kingdom, as often as they pass the Streights of Dover, is still continued. The mode in which the produce of this vast burthen on the commerce of the nation is now applied is well worth the investigation of Parliament: certain it is, that all the officers, artisans, and workmen, (most of whom are freemen,) still continue to enjoy their pensions and salaries, though their places are now become, in the strictest sense of the word, sinecures.

The conduct and management of this enormous mass of influence is vested in Mr. Thomas Lamb,

who has been for a long time past agent and first officer of the Treasury in this borough ; to which post he succeeded on the death of his father ; and, as he has constantly sided with the first lord of the Treasury for the time being, he has continued in quiet and undisturbed possession of it ever since. Indeed, upon the first passing of Mr. Crewe's bill, he, for a short time, made an attempt at setting up a private interest of his own, independent of the Treasury ; in consequence of which, he actually returned — Dickenson, esq., to Parliament, (a gentleman in the interest of Lord North,) with the government candidate. However, he was quickly given to understand, that the Treasury were determined to have *both* the members of its own nomination, and that loss of places, &c., would be the immediate and certain consequence of disobedience. In a very short time after, he returned to his duty and allegiance, having previously stipulated, that in future he would return Treasury nominees only ; but that they should make him some small douceur or compliment ; far short, however, of the market price of a seat, the bulk of which is appropriated to the commander in chief ;* the portion set apart for the subalterns and understrappers of the corporation being but trifling and inconsiderable.

In consequence of the slaughter which took place at the battle of Evesham, in the time of

* This was never done till Mr. Crewe's bill had somewhat lessened the Treasury interest ; that the candidates before merely paid the expenses of the election, which were about 150*l*.

Henry III., this place, for that time, returned four members to Parliament, as did the rest of the Cinque Ports. It is probable that the Cinque-Ports were represented in the national council before that period. Ever since 42 Edward III., this place has constantly returned two members to Parliament without any intermission.

SEAFORD.

SEAFORD is a borough and parish in the hundred of Flexborough, Sussex, and containing 146 houses and 847 inhabitants. Its inhabitants are mostly employed in fishing, but of late years it has been much resorted to as a bathing-place. It possesses the privilege of a Cinque-Port. Fairs, 13th March and 25th July.

REPRESENTATIVE HISTORY.

This borough was originally a member of the port of Hastings, and returned members to Parliament in the 26th and 30th of Edward I.; 16th and 19th Edward II.; the 18th, 20th, and 21st of Richard II.; and in the 1st of Henry IV., not as a port but as a borough; it ceased sending till it was restored *anno* 1640, 16th of Charles I., and added to the ports as a member of them. It was made a Port of itself by charter of 30th Henry VIII. Of the subsequent memoirs of its elections, we have met with the following:

PETITIONS, &c. Feb. 4, 1640. Resolved, upon the question, "That Seaford, a town in the

county of Sussex, that to three several Parliaments, in former times, sent burgesses to Parliament, (as appeared by the records produced at the Committee for Privileges) shall be restored to that its ancient privilege of sending burgesses to Parliament; and that a warrant issue, under Mr. Speaker's hand, to the clerk of the crown in chancery, for a writ for the electing and returning of two burgesses to serve in this Parliament for the town of Seaford aforesaid.

March 26, 1670. A petition of Robert Morley, esq., touching the election for this borough, was read.

Resolved, &c., "That it be committed to the Committee of Elections; and they are to take it into consideration the second Tuesday after their recess.

Nov. 3. Another petition of the said Mr. Morley to the same effect.

Feb. 10, 1671. Sir Job Charleton reported from the committee the state of the case and evidence, touching the election for this town, and the question thereupon arising; whether the right of election was in the bailiff, jurors, and freemen, only, or in the populacy? and that the committee were of opinion that the bailiff, jurors, and freemen, had not only voices in the election, but that the election was in the populacy, and that Mr. Morley was duly elected, whereto the House agreed.

March 9. A petition of John Amhurst, esq., complaining of an undue return of Sir Nicholas Pelham by undue practices of John Mullet, bailiff of the said town.

April 3, 1671. Sergeant Charleton reported from

the Committee the state of the case; and the evidence on both sides, in the matter touching the election of this town, between Sir Nicholas Pelham and Mr. Ambhurst; and the only point in question before the committee being which of them had the majority of voices, the committee, upon examination of the matter, were of opinion, "that Sir Nicholas Pelham had the majority of voices, and that he was duly elected;" whereto the House agreed.

March 19, 1678. A petition of Edward Selwyn, esq., was read, complaining of an undue return of Herbert Staples, esq., to serve in this present Parliament for this port, in injury of the petitioner.

Resolved: "That it be referred to a Committee of Privileges and Elections to examine the matter, and report the same with their opinion.—No report.

CORPORATION

Consists of a bailiff, 12 jurats, (which are generally half or two-thirds kept vacant) and an indefinite number of freemen.

RIGHT OF ELECTION.

Feb. 10, 1670. Resolved: "That *not only* the Bailiff, Jurats, and Freemen, have voices in election, but that the election is in the populacy.

Dec. 15, 1761. That by the word populacy is meant inhabitant housekeepers paying scot and lot.

Dec. 10, 1671. To refuse the admission of evidence, in order to shew, that in the above deter-

minations of the House, the words "bailiff, jurats, and freemen," mean "such bailiffs, jurats, and freemen only as are resident within the said town and port."

March 19, 1792. That the right of election is in the Inhabitant Housekeepers of the said town and port, paying scot and lot, and in them only.

Feb. 19, 1795. Same resolution confirmed upon appeal.

NUMBER OF VOTERS—about 120.

RETURNING OFFICER—the Bailiff, who ought to be chosen by the tenants and inhabitants resident and abiding, on Michaelmas-day in every year.

PATRON—John Leach, esq., and Charles Rose Ellis, esq.

POLITICAL CHARACTER.

The influence of this borough, or port, was exercised for near two centuries by the family of the late Sir William Thomas, of West Dean, near this place, whose title became extinct for want of male heirs; but his estate, together with the patronage of the borough, descended to the late Mr. Harison of Sutton-place, and from him to the present Lancelot Harison, esq.

This gentleman, at the age of fourteen, was put into possession of the lucrative sinecure of comptroller of cloth and petty customs in the port of London, which produces him a net salary of 200*l.* *per annum*; to this place was afterwards added that of supervisor of the riding officers, worth 150*l.* *per annum*, and captain of the custom-house boat,

with an income of 120*l. per annum* more: all those places Mr. Harison was allowed to hold as sinecures. Not having ever been at sea, an additional 60*l. per annum* was allowed for a deputy captain, or chief-mate of the boat; and as the only duty of the riding officers in this district was to support the interest of the patron at an election, the supervising of them did not require any great vigilance.

From the year 1747 to the present time, the right of election has been the subject of continual litigation. In 1670 the House determined it to be in the populary, and in 1761 the word populary was explained to mean inhabitant house-keepers paying scot and lot. The use made of this explanation was to rate such of the house-keepers only as were revenue officers, or dependants on the will of the patron; the number of rateable houses within the borough was one hundred and thirty-two, though not more than twenty-four had ever been known to have been taxed previous to Mr. Flood's successful opposition in 1786; out of this number *seventeen* were revenue officers when Mr. Crewe's disqualifying bill was passed in 1782.

The first petition which is deserving of the attention of our readers was occasioned by the interference of the late Duke of Newcastle, at the election in 1747, when the Right Hon. William Pitt, afterwards Earl of Chatham, and William Hay, esq., were candidates on the ministerial interest of that day, and the Earl of Middlesex, uncle to the late Duke of Dorset, and the Hon.

W. H. Gage, afterwards Lord Viscount Gage, opposed them on the opposition, or what was then termed the Prince of Wales's interest. The petition set forth, that at the last election of barons to serve in this present Parliament for the town and port of Seaford, in the county of Sussex, the petitioners, together with the Right Hon. William Pitt and William Hay, esq., were candidates. That on the day before the said election, a noble peer of this realm did invite to, and entertain at his house, most of the voters of the said town and port; and in the room where they were assembled spake to them one by one, and did solicit and influence them, with respect to giving their votes at the said election; by means whereof several persons who had promised to vote, and would have voted for the petitioners, were prevailed upon by the said noble peer to vote for the said Mr. Pitt and Mr. Hay: which proceeding the petitioners conceive is an high infringement of the liberties and privileges of the Commons of Great Britain. That on the day of election, in order to awe and influence the voters in favour of the sitting members, and deter them from voting for the petitioners, the said noble peer came into the court, accompanied by other peers of the realm; and being seated near to the returning officer, did continue there until the poll was closed; notwithstanding the presence of him and the said other peers was objected to by one of the petitioners, and the returning officer applied to by him not to take the poll while the peers remained present in the court. In all which the said petitioners thought themselves fully justi-

fied, as they apprehended their presence obstructed the freedom of the election, and from the several declared resolutions of the House of Commons, was a violation of the rights and privileges of the Commons of Great Britain; and that by these and other illegal practices the petitioners lost a great number of votes which would otherwise have been given for the petitioners; and therefore praying the House to take the premises into consideration, and to grant the petitioners such relief as to the House shall seem meet. The House moved, That the resolution of the 16th day of this instant November, That it is an high infringement of the liberties and privileges of the Commons of Great Britain for any lord of Parliament, or any lord-lieutenant of any county, to concern themselves in election of members to serve for the Commons in Parliament, might be read: and the same was read accordingly. A motion was made, and the question being put, That the matter of the said petition be heard at the bar of this House: upon which a debate arose. In this debate, Mr. Pitt, one of the sitting members, treated the petition with great contempt, and turned it into a mere jest.

On this occasion, Mr. Potter (son of the archbishop,) spoke as follows: "Mr. Speaker, I rise up to do myself justice: for, as I look upon the matter contained in this petition to be one of the utmost importance to the honour of the House, and even to the existence of Parliament: and as, to my very great amazement, I see this question treated with the greatest contempt and ridicule by

an honourable gentleman, whose weight may, perhaps, persuade a majority to be of his opinion, I think I owe it to myself to declare my sentiments on this great occasion by something more than the vote which I shall give. I hope, Sir, things are not yet come to such a pass, as to make it necessary for any man to go about to prove that the constitution is destroyed whenever the House shall lose its independency. After all the noble struggles made in the House by great patriots, after all the laws passed by the legislature to preserve that independency, I should hope, that out of decency, as well as out of regard to truth, I may be allowed to argue upon that as upon an indubitable maxim. The representatives of the people, when they are chosen to that office, have been said to be independent even on their constituents; how necessary then is it, Sir, for this House to take care that there be no other improper or corrupt dependency? But, Sir, if the ministers are to be allowed to nominate to the burghs the persons who shall be their representatives, how are we to expect an independent Parliament? That ministers may endeavour to subvert this independency, that they may think it even necessary to their own security to corrupt Parliament, we have too much reason to know. But, Sir, whatever pains former ministers may have taken for this purpose, what undue methods soever they may have used to gain for themselves a corrupt majority in this House, I believe history is not able to produce an instance equal to the present, of a wise and great statesman taking upon himself the ho-

nourable employment of being an agent at a burgh. It was not enough to signify his commands by his underlings ; it was not enough to solicit votes in his own person : the voters, it seems, could not be trusted out of his presence, and therefore they were to be attended even to the poll. But, Sir, this great humility and condescension in a minister would, in former times, have been construed a most notorious invasion of the rights of the people, and of the privileges of this House. And, Sir, what will the people say to us ? Or what will they think of our independency, if we are not as jealous of their rights, and as tenacious of our own privileges, as any of our predecessors have been ? What will they think, Sir, if after seeing one Parliament dissolved in a new, unprecedented, I had almost said an unconstitutional manner, they shall be told, that the ministers have been nominating their representatives in the next, even without the ceremony of a *congé d'élire* ? But, Sir, still farther—What will they think, if they shall be told that this proceeding of the minister has been laid before the House of Commons, and that the House of Commons will not, or dare not, censure him ? There have been times when no man was thought too great to be accountable to this House for this conduct ; and I could give an instance, even in my own memory, of a great and able statesman, whose long administration was an honour and a benefit to his country, and whose conduct this House thought fit to enquire into by the most severe scrutiny.

“ When I first heard the petition read at your

table, I could hardly believe it possible that the allegations it contained were founded upon truth. I expected to have heard the friends of the noble person who is the object of it boldly denying the charge, and calling loudly upon the accusers to justify it; I was determined not to believe it, unless supported by the strongest proof. But, Sir, how great was my amazement, when I heard an honourable gentleman, (W. Pitt, esq.,) who was privy to the whole transaction, not only admitting every fact alledged to be true, but openly avowing and attempting to justify them? In what light they may appear to him, Sir, he can best tell you; but to me it seems most manifest, that as the conduct complained of was the greatest injury that could be done to our privileges, the attempt to justify it is the greatest insult upon our understanding. In what other light, Sir, can it appear to us, than as the last and utmost effort of one who was determined, at any rate, to procure a majority in this House of persons attached to himself, his own creatures, the tools of his power? I wish to God, Sir, nothing may happen to-day to give the people room to suspect that he has been too successful. What more could he have done? Or what greater insult is it possible for him to offer, unless he should come even within the walls of this House to direct our determinations? After what he has done—I should not wonder, Sir, if he did not come and take that chair, and tell you, as we were told formerly, that your mace was a bauble, and that you should keep it only while you please him. Your mace, Sir, is a bauble, and so is every other ensign of

authority, unless you can preserve your independency. A dependence upon the crown, Sir, would in the end prove fatal to our liberties ; but a dependence upon the minister, as it is infinitely more dishonourable, is infinitely more dangerous. One might suppose, Sir, some security to a people from the honour of a crowned head, and from the solid compacts that are made between the people and their sovereign. I know of no compacts that are or can be made between a minister and the people. I can suppose too, Sir, that in some future time a minister may arise profligate enough to carry his views so high, as to attempt to make both king and people subservient to his own ambition. I can imagine such a one, Sir, taking advantage of some general calamity, or time of general confusion, by a corrupt parliamentary influence oppressing even the king upon his throne, and making the crowned head a prisoner in his closet. I can imagine him, Sir, so blown up with folly and self-conceit, as to become a competitor even with those who shall be of royal blood, for posts of dignity or titles of honour ; and he may, Sir, (it is hardly possible indeed,) but he may even prostitute the name of the crown to support his pretensions. This, Sir, I say, is a picture which I can draw in my own mind of the miserable situation of this country, if ever the Parliament should become dependent on a minister. But as this can never happen but in some time of general infatuation, or general corruption, the wisdom and virtue of the present age secure us from seeing it otherwise than in imagination ; but, Sir, whatever

I see, or whatever I feel, God forbid that by an act or vote of mine I should make the way easy for such miseries to overwhelm any future generation. The honourable gentleman was pleased to say that this was a new case, and that there was no precedent upon our Journals to guide our proceedings; but let it be remembered that this can never be the case again, since the vote of to-day will remain upon our books an eternal precedent to posterity, and a law to this House for the future. For God's sake then, Sir, let us consider a little what sort of a law we are going to make; let us remember, that if the present transaction passes uncensured, and is declared free from guilt, we may hereafter see every peer of Parliament, every secretary and other officer of state, every chancellor of the exchequer, with his treasury bags under his arm, attending and soliciting elections; and when they shall be called upon in this House to justify their proceedings, they shall tell you they have done nothing but what they had a right to do, and that such was the opinion of this wise, this independent, this freely elected Parliament. Sir, I am not one of those persons who will ever be for extending the privileges of this House to any ridiculous or romantic degree: if I could but persuade myself that there was the least room to doubt upon this occasion, I should think that humanity obliged me to put the mildest construction. But really, Sir, I think the insult offered to the House is of so flagrant a nature, I think the precedent must prove so dangerous to the honour and independency of Parliament, I think the con-

sequence must be so destructive to the constitution, as to deserve and demand the severest animadversion. The honourable gentleman was pleased to ask, What is the object of the petition? Sir, I will tell him what the object is; it is the security, the freedom of Parliaments, and protecting the privileges of the Commons of Great Britain. Surely, Sir, from this House the Commons of Great Britain have a right to expect justice. Their most valuable privileges have been trampled upon and insulted, and they come now by this petition to demand justice:—Justice, Sir, they will receive, and I hope now. But of one thing I am sure, that sooner or later they will have it.” (The petition was dismissed by 247 against 96.)*

The next contest of importance was in 1761, when Sir James Peachey, bart., and Lord Viscount Gage (the latter having changed his party since the last election,) were supported by the Duke of Newcastle and the ministerial interest, and George Medley, esq., and William Evelyn, esq., opposed them. At this election the distinction of *populacy* and *tax-payers*, which has since been the subject of so much expense and litigation, first took place.

Under the denomination of “populacy,” every man who had a legal parochial settlement, and resided within the parish, claimed, as in pot-wal-losing boroughs, the right of voting; and having exercised it upon all former occasions, they were deemed the legal constituent body.

A majority of the “populacy” were in the inte-

* Alm. Deb. Com. 111. 77.

rest of Medley and Evelyn, and precluded every chance of success from their opponents on their suffrages. The subterfuge of setting up a distinct right was therefore resorted to by the ministerial candidates, as the only method by which they might, with the assistance of the House of Commons, found any hopes of succeeding.

The returning officer, Mr. Chambers, father of the person who filled that station at the general election in 1790, being in the ministerial interest, and the tax-payers, by a rate, fabricated for the purpose, devoted to the same party, every elector, whose name was not upon the rate, was rejected when he tendered his vote. A majority being obtained by these means for Peachy and Gage, they were returned to Parliament, and Mr. Medley and Mr. Evelyn were left to seek their redress by petitioning the House.

Upon the hearing of this petition, the House of Commons, who were precluded by the 2d of George II. from *altering* the right of election, contented themselves with *explaining it away*, by resolving, that by the word "populacy" in the last resolution of the House of Commons, was *meant* inhabitant housekeepers paying scot and lot, and that Sir James Peachy and Lord Viscount Gage *were duly elected*.

From this period until the year 1786, the practice of taxing only the revenue officers, and four or five other individuals, who were sure to obey the word of command, prevailed, to the exclusion of all the other inhabitants. Petitions against this arbitrary exclusion were presented in 1774 by

Messrs. Sayre and Chetwoode, and in 1780 by Mr. Molesworth, but were not attended with success. The committees of the House of Commons not choosing to admit the rateability of men, whom the Seaford magistrates in their justice had deemed ineligible.

In 1774, the Right Honourable Thomas Pelham, whose father, Lord Pelham, owns the tythes and about half the landed property in the borough, attempted to revive the political interest of the family, which had been neglected ever since the death of the Duke of Newcastle; and the Honourable L. T. Watson became a candidate under Mr. Pelham's patronage. A Mr. Alves, who then resided in Harley-street, had succeeded in compelling the overseers of the parish to add seven of the non-rated inhabitants to the poor-rate, became a candidate upon their suffrages; and, by *good management*, brought over eight out of the remaining seventeen electors to his interest. With this majority he must have succeeded, even against the united interests of the oppositional and ministerial parties; but as the talent of *managing* was not confined to Mr. Alves, and the attachment of this description of electors being neither to the person nor principles of their candidates, means were soon resorted to of detaching one half of Mr. Alves's confederated club from his interest, and uniting them with the *staunch friends* of government. A junction then became necessary between the remaining supporters of Mr. Alves's cause and the interest of Mr. Pelham; but the bewitching allurements of Treasury temptation was

continually assailing this little party, and, by the day of election, reduced them to nearly one half of their original number.

Mr. Alderman Curtis was at this time the candidate on the ministerial interest, and had obtained the promises of a majority of these virtuous electors, the whole number being at this time only *twenty-four*; and, in endeavouring to prevent any prejudice which his education in the presbyterian principles might create in the minds of his orthodox constituents, embraced the opportunity, which a saint's day presented, of attending episcopal worship; but as Satan is never so alert in his mischievous propensities, as when an opportunity presents itself of resisting the purposes of the righteous, he so managed it, as to improve this unlucky moment of confounding all the parliamentary schemes of the convivial alderman; for, before he had finished his devotions, a new candidate was introduced, under the recommendation of the celebrated John Robinson, who had formerly represented this borough, when every elector in Mr. Curtis's interest received absolution from his first engagement, and embraced the more powerful patronage of a greater favourite.

Several other candidates appeared at this election with ministerial recommendation; but Lord Neville and Sir Peter Parker, having the confidence of those in the secret, we forbear to mention the names of gentlemen, whose chagrin must have been severely irritated, at finding themselves the dupes of ministerial intrigue and duplicity.

At the election, which came on in March, 1784, the numbers on the poll were :

For the ministerial candidates—Lord Neville 12—Sir Peter Parker 12.

For the opposition candidates—Hon. L. T. Watson 11—Thomas Alves, esq. 11.

One elector did not vote, who, it has since been discovered, was in the ministerial interest ; but having a majority without him, he was kept back, that he might not avow his principles to the opposite party, into whose meetings he had always been admitted as a friend.

An informality was observed in this election, which, being of importance to future contests, we must not omit to mention. The 7th and 8th of William III., ch. 25., enacts, that the returning officer, after the receipt of the precept from the sheriff, or the proper officer authorised to issue the same, shall proceed to the election *within eight days* after receipt of the precept, giving *four days* notice thereof.*

The bailiff of Seaford proceeded to the election on the *fourth day* after proclamation, and it being considered that the letter of the act was not complied with, only *three days* having intervened since the proclamation, a petition of two of the electors who voted for Mr. Watson was presented to the House, complaining of this irregularity ; which being heard before a committee, in the

* This act does not include county elections. The time for making proclamation, holding county courts for election, &c., is regulated by the 25th of George III., ch. 24., s. 4.

month of March, 1785, it was determined that the said election *was void*.

Lord Neville, who had been returned with Sir Peter Parker, had also been elected for the county of Monmouth. This circumstance made a vacancy for the borough of Seaford certain, before the event of the above petition was known; to supply which, no less than *six and twenty* candidates offered themselves, between the time of the election, in March, 1784, and the hearing of the petition in March, 1785. The number of electors being at that time only *twenty-four*, it could not supply a single vote to each of these gentlemen, if they had persevered in the contest to the end of the poll.

One of these candidates was the late Right Honourable Henry Flood, who was introduced to the borough by the author of this work, not with a view of obtaining his seat by the suffrages of the twenty-four existing voters, who were to a man engaged in the interest of Mr. Pelham, or that of administration, though it appeared that a decided majority of them was to be obtained on what they called *honourable terms*, but on the right of twice that number of inhabitant housekeepers, whose names had been omitted in the poor rate for near thirty years, on purpose to preclude them from the exercise of their franchises.

Amongst these persons, whom the overseers of the poor had placed in the legal description of paupers, by charitably disburthening them of their taxes, were the vicar of the parish, and fourteen

county freeholders, besides others, who could afford, and actually had, at the time, lent money to some of the parish officers, and even to one of the magistrates who allowed the rates.

These non-rated inhabitants commenced their claim to redress, by appealing to the quarter-sessions of the borough, on the ground of being excluded to answer election purposes. Upon hearing this appeal, it appeared not to have been lodged, at the sessions next ensuing the making of the rate, as the law directs, and the magistrates availed themselves of that pretence to dismiss it.

The overseers took care to prevent a second appeal on this complaint, *by maintaining the poor themselves*, and making *no rate*, till the election, which was suspended for a year by the petition then before the House of Commons, was disposed of.

Sir Godfrey Webster had declared himself a candidate on the interest of Mr. Pelham, for the vacancy occasioned by Lord Neville making his election for Monmouthshire; and Lord Mountmorres, in opposition, had been recommended by the Treasury.

The petition being heard, and the election declared void, in March, 1785, there became two vacancies; in consequence of which, Sir Godfrey Webster united his interest with Mr. Alves, as the Honourable Mr. Watson had done at the former election; Sir Peter Parker and Lord Mountmorres appeared under the Treasury influence, and Sir Laurence Parsons, bart., now Earl of Rosse,

in Ireland, became a candidate on the suffrages of the non-rated housekeepers, in conjunction with Mr. Flood.

The day preceding the election, a third Treasury candidate appeared in the person of Sir John Henderson, and exhibited similar official recommendations to those already produced by Sir Peter Parker and Lord Mountmorres. The government voters, who had all engaged to support the two last, were at first a little staggered how to act under these contradictory orders; but receiving the instructions from a proper person, they dismissed Lord Mountmorres with as little ceremony as they had, upon a former occasion, done Mr. Alderman Curtis, under similar circumstances. His lordship, however, did not acquiesce in this treatment with quite so much indifference and condescension; a very serious meeting had nearly taken place between him and Sir John Henderson, and which was only prevented by the intervention of friends, who suggested the propriety of an interview with a person high in office, that they might know to whom the blame was imputable.

This meeting actually took place in a few days after, which we since understood terminated so little to the satisfaction of the noble viscount, that he took the first opportunity, in a dignified place in a neighbouring kingdom, to make some strong comments in his speech, on the impropriety of a minister's not paying the most scrupulous attention to the observance of his word. We do not recollect that he pledged himself "as a man, and

as a minister;" but it appears that his lordship considered the obligation as equally binding.

On the day of election, seven candidates appeared on the hustings, (if the miserable place in which the public business of the borough is transacted may be understood by that name,) but Lord Mountmorres finding himself deserted by every voter who had promised him, and by the men who had received him with cordiality, and announced him to the electors as the government candidate, in a speech of manly indignation, declined any further connection with this consistent body of electors.

At the close of the poll the numbers were:

For the Right Hon. Henry Flood 28—Sir Laurence Parsons 24—Sir Godfrey Webster 19—Thomas Alves, esq. 18—Sir Peter Parker 16—Sir John Henderson 14.

The returning officer, however, thought proper to reject every vote for Flood and Parsons; eight of Sir Godfrey Webster's; seven of Mr. Alves's; two of Sir Peter Parker's; and then made a return of the Treasury candidates.

At this election the celebrated Mr. Harben made his first appearance in this borough in a political character, having taken a lodging-house for forty days, to qualify himself for an occasional voter. Mr. Harrison, who, for the last thirty years had been considered as the government agent and patron, was still looked up to as preserving that situation.

Four petitions were presented to Parliament

against the return of Sir Peter Parker and Sir John Henderson ; one by Messrs. Flood and Parsons ; a second by certain electors in their interest ; a third by Messrs. Webster and Alves ; and a fourth by other electors who had voted for these gentlemen.

These petitions were tried by a committee of the House of Commons, in February, 1786, when, after a full investigation of the claims of those who voted for Flood and Parsons, the committee determined not to admit evidence to invalidate the resolution of 1761, by which the word populacy was explained to mean inhabitant housekeepers, paying scot and lot. The counsel then endeavoured to prove that these persons were rateable housekeepers, within the meaning of the last resolution of 1761 ; but their appeal to the Seaford sessions not having been made within the time directed by law, the committee also resolved not to admit evidence to prove that fact.

The petition of these gentlemen being thus disposed of, the committee proceeded upon that of Sir Godfrey Webster and Mr. Alves, who objected to three of the votes for the sitting members, amongst whom was Mr. Harben, who voted for a lodging-house, upon a pretended residence of forty days. The whole three being deemed bad, the numbers for both parties became equal. Some strong evidence of bribery was opened, which, for reasons the author is unacquainted with, was not proceeded upon. The committee, therefore, upon the equality of numbers, declared this second election void.

Mr. Alves by this time had received a complete surfeit of the Seaford contest; and the voters in the interest of Mr. Flood, having had a second opportunity of appealing to the Seaford sessions against the poor rate, a new one being made the instant the last election was concluded; the overseers, not expecting that the petitions against it would occasion a second void election, the non-rated inhabitants were now in a situation to prove their rateability before a committee of the House of Commons, when nineteen of that description being in a state of opulence much superior to the majority of the tax payers, Mr. Flood's success was placed beyond the possibility of doubt.

Mr. Alves having declined any pretensions to future support, all his little party, except one, were *prevailed on* to join the Treasury junto; but a junction having been formed between Mr. Pelham's interest and that of Mr. Flood, they became a majority of just two to one against all the forces the Treasury could muster.

At the third election the numbers on the poll were:

For the Right Hon. Henry Flood 32—Sir Godfrey Webster, bart. 32—Sir Peter Parker, bart. 16—Sir John Henderson, bart. 16.

The returning officer again struck off all such votes as did not appear on the poor rate, though that rate had been rejected by the committee as a corrupt one; and, admitting the whole sixteen votes for Parker and Henderson, and only half that number for Flood and Webster, made his return to Parliament accordingly.

These proceedings were too flagrant to meet the eye of a committee of the House of Commons ; for, however desperate the imbecility and ignorance of a routed party of borough-mongers might make them, the character of Sir Peter Parker and Sir John Henderson were not to be sported with, to gratify the chagrin of such persons. A petition of Mr. Flood and Sir Godfrey Webster was presented to the House, and, when the day of hearing arrived, the counsel for the sitting members informed the committee that their clients, being sensible *that the petitioners had a majority of legal votes, they would give them no further trouble.* The committee reported to the House the same day, March 13, 1786, "That the Right Hon. Henry Flood and Sir Godfrey Webster, bart., were duly elected, and ought to have been returned."

Thus was the cause of independence, in this little borough, triumphant over the most unprecedented oppression, and in opposition to the influence of the Treasury, to a family junto of borough magistrates or jurats, and to the united exertion of seventeen sinecure placemen, pensioned on purpose to support the cause of injustice.

The system of politics in this place now took an entire change ; the whole of Mr. Flood's friends, together with the other inhabitants, who had taken no part in the election, were put upon the poor rates, and Mr. Harison, who had for thirty years enjoyed the confidence of government, and been the acknowledged patron of the borough, from the ill success that attended his late management, or from a determination to introduce a manager of

less scruple into the dashing concerns of the party, was treated with coolness by the Treasury; but as he still retained the absolute command of the corporation, which consisted of a bailiff, three jurats, and seventeen freemen, matters were not yet quite ripe for openly insulting and dismissing him.

Mr. Harben, the hero of these political myrmidons, had therefore time to inveigle himself into the confidence of Mr. Harison, and by an offer, apparently liberal, of undertaking to be at the expense of reinstating Mr. Harison's influence, upon being permitted to share with him in the advantages attached to it, he obtained the purchase of several acres of land within the borough, from Mr. Harison's estate, on which he soon erected a stately house; and, having once got an establishment within the limits of its privileges, his next advance was upon the corporation.

This body consisted mostly of revenue officers, whose places were all sinecures, and were originally created here, as in the other Cinque-Ports, for the establishment of a government interest. Each individual owed his place to the recommendation of Mr. Harison; and it was at first apprehended, that the moral tie of gratitude might make such an impression upon the minds of some of them, as to create a difficulty in the attempt, of not only detaching them from the interest of their benefactor, but in inducing them, at the same time, to support that of his avowed opponent; for, whenever the experiment was made, the mask of friendship must be taken off.

Treasury mandates were however obtained, and

the freemen were sounded one by one. On the Michaelmas day following the late election defeat, this master-piece of political craft was to be played off.

It commenced with electing a creature of Harison's, but who was now privately in the interest of Harben, into the office of bailiff, and then the cloven foot appeared in Mr. Harben's being proposed to be elected a freeman. Mr. Harison, who was present, fired with indignation at the plot which was unfolding itself, intreated the freemen, as they valued *their own interest*,* and if they felt a spark of attachment to him for the places they held, or the patronage he had ever afforded them, not to suffer this attempt to succeed against his political existence, and their security. The freemen, however, heard this harangue with stoic apathy, and, when the question was put, to a man voted against their benefactor!!!

We have been particular in our relation of these circumstances of political perfidy, in order to display the pernicious consequences which the present system of borough representation must have upon the morals of the parties interested; not doubting but it will be an argument of much weight with the established clergy, whose zeal in the cause of virtue and good government will exert itself with redoubled vigour, to obtain that reform in the representation of the people, which is so immediately connected with the cause of religion and morality.

* The only appeal to their feelings which seemed to make any impression.

Mr. Harben having now erected a country-seat in the borough, and obtained another in the corporation, felt his importance sufficiently established to commence open hostilities with Harison. The first act of his reign, for he now became the avowed and ostensible agent of government, was to procure Mr. Harison's dismissal from the sinecure places of supervisor of the riding officers and captain of the custom-house boat, worth together 270*l. per annum*; the first of which he disposed of to Thomas Chambers, the late returning officer, and the other he kept open for the most hungry of the opposite party. To bite at Mr. Harison's other sinecure, of comptroller of cloth and petty customs in the port of London, being a patent place for life, was out of the reach of Mr. Harben's grasp.

Mr. Harben was not all this while negligent of his own interest, having procured the excise of the eastern part of the county to be paid into his hands, in its passage to the treasury, (an object of no little importance to a country banker), and obtained the place of receiver general of the stamp duties for Sussex, worth 600*l. per annum* for his eldest son; his next care was to procure the office of warehouse-keeper of the stamp office in London, with a salary of 200*l. per annum* for his second son, which he was allowed to hold as a sinecure, and to continue his residence at Lewes.

From this period to the present, this insignificant little place has exhibited the most disgusting scene of profligacy, in all its shades of deformity. Mr. Harison had the merit of managing the govern-

ment influence, in its political concerns, without persecution ; but from this moment scarce a sessions, assize, or term passed, without indictments for assaults, informations against pretended riots, in which the prosecutors were always sure to have been the aggressors ; indictments for perjury, robbery, and every crime which malicious ingenuity could give a colourable pretence of instigating. The expense and ruin brought on individuals by these means are inconceivable, independent of the disgrace and misery that the most innocent must suffer, from the infamy of such proceedings.

In opposition to the Treasury influence, and to these measures of iniquity, Mr. James Hurdis, a gentleman of independent fortune, incorruptible integrity, and possessing a mind pregnant with the most amiable qualities, at his own private expense, not only opposed the torrent of corruption, which, like a whirlwind, was swallowing every thing in its vortex, but, with a benevolence corresponding with his superior virtues, became the advocate of the oppressed, and in the language of the inimitable Gray,

“ The little tyrant of his fields withstood.”

To this village Hamden, the author, with grateful pride, acknowledges his obligations ; to his humanity whole families owe their existence ; to his liberality the impoverished victim of tyranny owes his rescue from the jaws of a prison ; but in his praise the highest panegyric would exhaust itself in vain, for he has a sensibility which is its own reward.

Every gentleman of the borough, except the

three pensioned jurats supported Mr. Hurdis, who vainly imagined that it was possible to preserve such a handful of voters from the influence of venality; scarce a week however passed, without some one being detached from amongst the inferior part of their interest. The mode of corrupting these people was, by advancing each individual a sum of money (not less than 50*l*.) upon bond; of whom, while they continued obsequious to their dictator, neither principal nor interest was demanded; but the moment any one of those unfortunate men presumed to exercise a will of his own, the bond was exacted with unexampled rigour. Another engine of undue influence is, the number of custom-house and sinecure places, in the gift of the patron of this borough.

Our readers will naturally be led to imagine, from the number of tide-waiters, boatmen, &c., who reside here, that there must be a harbour commodious for shipping; that the imports and exports must be great, and the revenues arising from them to Government proportionable thereto; but so far is this from being the real situation of the place, that the only business done here throughout the whole year, is the discharging of one solitary cargo of coals. Newhaven, which is a considerable port, where much business is done, with a third part of the number of officers, is only four miles distant from hence; a convincing proof that these vermin are suffered to feed on the earnings of the laborious part of the public, only because their influence may have some weight in the election of the Treasury members. The patronage

of the custom-house at Newhaven, on account of its vicinity, is added as an appendage to the treasury agent of this place.

The revenue offices of Rotten Dean, East Dean, and the custom-house of East Bourne, are also supplied with placemen from amongst the electors of this place.

Mr. Harben being still unable, with all his influence, to ascertain a strength that would constitute a majority of the electors, had recourse to a new expedient, which was not only contrary to the charter of the borough, but to its custom, practice, and constitution: this was, to create *nineteen non-resident freemen*, which Mr. Harben and his advisers were weak enough to believe, would invest them with the rights of election. A meeting of the corporation was accordingly convened, at an ale-house in the borough, when the following persons were admitted to their freedom:

1. Hon. Charles Lenox, nephew to the Duke of Richmond.
2. Robert Steele, esq., brother to the secretary of the Treasury.
3. Walker Goldsmith, brother to one of the jurats.
4. Henry Chambers, ditto.
5. Nathaniel Pain, ditto.
6. Henry Plaisted, brother in law to Harben.
7. Harry Plaisted, cousin to Harben.
8. James Harben, brother to ditto.
9. Robert Rosam.
10. Rev. William Gwynn, of Lewes.
11. Rev. Arthur Iredel, a relation of Serjeant Kempe.

12. William Green, a magistrate at Lewes, and crier of the court of King's Bench.

13. Charles Gilbert.

14. Philip Mighill.

15. John Coggan.

16. James Brooke, brother in law to one of the jurats.

17. Gabriel Burrows, father to the overseer.

18. Richard Talmage, an itinerant carpenter.

19. Richard Thatcher, brother in law to the town clerk.

Soon after which were added the following :

20. Right Hon. William Pitt!!!

21. Duke of Richmond!!!

22. John Young, a jack-ass driver.

23. William Chambers, brother to two of the jurats.

The interest of Mr. Harben, with the assistance of so many non-resident freemen not being yet deemed secure, another expedient was resorted to. Twenty-six persons, most of whom were in the employment of Mr. Harben, as diggers of chalk, at eight shillings per week each, were brought into the borough on the eve of Christmas day, 1789; when, a new poor rate being made the same evening, every one of them were taxed for such houses as were occupied by widows, custom house officers who could not vote, or freemen whom they presumed had a right of suffrages by virtue of their freedom; and one was rated for the poor house of the parish.

These twenty-six chalk diggers, together with the twenty-three non-resident freemen, making together fifty surreptitious votes, amounted to more

than half of the whole number of legal electors in the borough; and if a returning officer could be found to admit persons of such descriptions to poll, little doubt could be now entertained of the Treasury party succeeding at the ensuing election, as far at least as obtaining the return.

The dissolution of Parliament happened to take place *seventeen days* before the *six months residence*, required by the statute of 26 George III., chap. 100, was completed; in consequence of which the Treasury junto found themselves involved in what appeared to be an insurmountable dilemma. The craft and contrivance of their managers, however, hit upon a scheme for extricating them. The returning officer was not compelled, by law, to proceed to election till the eighth day after proclamation, which happening to be Saturday, an adjournment took place till Monday; which manœuvre carried them over to the tenth day, when it was agreed to dispose of the remaining seven in the following manner.

The candidates to insist on the six oaths required by statute,* to be administered to each voter, which would take up half an hour in repeating by each individual.

The candidates and the counsel to object to every voter, objectionable or not, and to make a speech of half an hour each on his ineligibility: which mode would occupy one hour and a half more upon each vote separately.

* 1. Oath of allegiance. 2. Oath of supremacy. 3. Declaration of test. 4. Oath of abjuration. 5. Oath of residence. 6. Bribery oath.

Under these obstacles, it was deemed impossible to poll more than four votes each day, till the seven days were expired; at which time the six and twenty chalk diggers might be brought forward, and polled, as having completed their six months residence.

This plan was actually put in practice, and this ridiculous and disgraceful farce was absolutely played off for the whole seven days.

The scene exhibited candidates speaking against time, counsel pleading against law, clergymen abjuring popery, and the immaculate electors of Seaford purging themselves of bribery and corruption.

These seven days being at last got over by this management, the six and twenty chalk diggers were brought forward on the eighth day, and every one of whom were admitted to poll, and received as *good votes*, by the conscientious returning officer.

Fourteen of the voters in Mr. Pelham's interest were rejected; *nine* housekeepers, who had lived several years in the borough, but whose political sentiments not corresponding with those of the parish officers, they had not been assessed to the poor rate, though they had frequently appealed to the Seaford sessions to be admitted to pay their taxes; *four* for not having their names marked in the poor book, as having paid the last rate, one of whom was a gentleman possessing at least a 1000*l.* *per annum* property, and who had been a housekeeper six and twenty years in the place; and *one* for having *moved out of an old residence into a new one since the making of the poor act.*

The poll, thus favoured on one side, and scruti-

nized on the other, appeared to contain the following numbers :

For the ministerial candidates—John Sargent, esq., 92—R. P. Joddrel, esq., 91.

For the opposition candidates—Sir Godfrey Webster 48—John Tarleton, esq., 48.

A petition was presented to Parliament by Sir Godfrey Webster and Mr. Tarleton, immediately on its meeting, complaining of the above return, and the gross partiality of the returning officer, &c., which did not come to a hearing till March, 1792 ! when the twenty-four non-resident freemen, and the twenty-six chalk diggers, were all declared bad votes, and ordered to be struck from off the poll, without subjecting the petitioners to the trouble of examining a single witness.

The poll of Sargent and Joddrell was now reduced to *forty-two* and *forty-one*, and the petitioners proceeded to add *nine* to their own poll, who were housekeepers within the borough, and though not assessed to the poor rate, had paid the church and king's taxes, and had appealed against all the poor rates which had been made for several years, in consequence of their names having been omitted. It appeared, however, that their last appeal, either by *mistake* or *neglect*, had not been entered on the record of the sessions, the committee refused to hear evidence to prove their rateability.

The counsel for the petitioners next attempted to establish the four votes who had been rejected for not paying to the last rate, preceding the election to which they had been assessed. The com-

mittee, however, contrary to general expectation, refused to allow them.*

The last attempt of the petitioners was, to establish the vote of the man who had been rejected by the returning officer, for having changed his dwelling house between the time of making the rate and the election. In this they succeeded.

The sitting members now opened their case, and objected to nineteen votes of the petitioners, upon grounds which appeared so very frivolous, that had complete evidence been brought up to establish their validity the author is persuaded, that, not one of them could have been deemed ineligible; however, upon summing up the evidence, the committee determined against seven of them, which put one of the sitting members upon an equality with one of the petitioners, and lost Sir Godfrey Webster his seat.

One of the electors having polled for Sargent and Tarleton, and a second for Webster only, the latter was one of the votes disallowed by the committee, which gave the majority of *one* to Sargent and Tarleton.

The committee, therefore, reported to the House, on the 19th March, 1792,

“That John Sargent, esq., one of the sitting members, and John Tarleton, esq., one of the petitioners, were duly elected.”

The committee, at the same time, reported specially,

“That the right of election for the port and borough of Seaford, in the county of Sussex, is in

* Votes of a similar description were deemed good in the Shaftesbury case in 1813.

the inhabitant housekeepers of the said town and port, paying scot and lot, *and in them only.*"

By this last resolution, the corporation, consisting of a bailiff, jurats, and freemen, which Mr. Harben, with so much difficulty and expense, had attached to his interest, are entirely shut out from all election rights within the borough of Seaford, and the privilege is vested where the constitution originally placed it; in the inhabitant housekeepers, paying scot and lot.

The corporation, to the author's own knowledge, made an offer of their services to Mr. Pelham, which that gentleman never honoured with an answer.

Mr. Harben, after he had superseded Mr. Harrison in the confidence of the Treasury, had the recommendation to places in the gift of government, to the amount of near two thousand pounds per annum. Amongst the persons most favoured are his own sons, and West, Martin, and Burrowes, the overseers, who were the framers of the poor rates which have been the subject of so much litigation, expense, and oppression.

Mr. Pelham, who had hitherto been in opposition, joined administration about the year 1792, and sold his houses in Seaford to Charles Rose Ellis, esq., of Esher Park, in the county of Surrey, who returned the members at the two succeeding general elections in 1796 and 1802.

Mr. Leach, the counsel, having taken up his residence in Seaford, soon obtained the political interest of the borough, and the return of both members in the short Parliament of 1806, and in the succeeding one of 1807, in opposition to Mr. Ellis.

Mr. Harben having become a voluntary exile from his native country, and dying abroad, his son some time after sold his property in Seaford to the Hon. Mr. Bowes, brother to the Earl of Strathmore, who became a candidate to represent the borough at the last general election in 1812.

Upon this occasion Mr. Ellis and Mr. Leach, who had been in opposition to each other, found it necessary to coalesce, and each to nominate a member. These gentlemen were both returned, and Mr. Bowes petitioned against them on a charge of bribery, which was positively sworn to have been committed by two voters of the name of Swasling, and Hastings. The committee however determined Mr. Ellis and Mr. Leach to be duly elected. The Hon. Mr. Bowes about this time sold the property he had purchased of Harben to Mr. Pindar, first clerk in the house of Coxe and Greenwood, army agents, who is now contesting the influence with the present patrons.

It is remarkable that Mr. Pelham, since become Earl of Chichester, took all those who opposed his interest into favour, and Chambers, the jurat, who had been his most inveterate enemy, has ever since occupied one of the best farms upon his estate, while those who had supported him and put him in possession of the influence of the borough have been totally neglected, and they have since formed the party that gave the controlling interest to Mr. Leach, which he has possessed for the last three Parliaments.

END OF VOL. III. OF PART II.

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